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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

FOR THE TENTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS,

WHICH WAS BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF LITTLE ROCK,
ON MONDAY, THE SIXTH DAY OF NOVEMBER, ONE THOUSAND EIGHT
HUNDRED AND FIFTY-FOUR, AND ENDED ON MONDAY THE
TWENTY-SECOND DAY OF JANUARY, ONE THOUSAND
EIGHT HUNDRED AND FIFTY-FIVE.

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES.

MONDAY, *November* 6*th*, *A. D.* 1854.

This being the day fixed upon by the Constitution of the State of Arkansas, for the meeting of the General Assembly, and a quorum of the House of Representatives appearing at the Representative Hall in the State House;

On motion of Mr. Hobbs, the House came to order.

Mr. Redmond, of Monroe, was called to the chair.

On motion of Mr. Wood, James F. Fagan was appointed assistant clerk, *pro tem.*; and upon motion of Mr. Desha, Mr. Reader was appointed *door keeper pro tem.*

The following communication was received from the Secretary of State:

OFFICE OF THE SECRETARY OF STATE,
Little Rock, 6th Nov., 1854.

As required by law, I have the honor to lay before the House of Representatives the following list of members elected to that branch of the present General Assembly of the State of Arkansas.

DAVID B. GREER,
Secretary of State.

From the county of Arkansas, Samuel Mitchell,
" " Ashley, John R. Allen,
" " Benton, M. Douglas,
" " " A. Whinery,
" " Bradley, Robert Ederington,
" " Calhoun, J. J. Harris,
" " Carroll, Bradley Bunch,
" " " John Haggin,
" " Chicot, Wm. J. Neale,
" " Clark, Jas. E. M. Barkman,
" " " Asa B. Beall,
" " Conway, Anderson Gordon,
" " " J. J. Jones,
" " Crawford, James M. Brown,
" " " Andrew Morton,
" " Crittenden, James F. Barton,
" " Dallas, Wm. T. M. Holmes,

From the county of Desha, Solon B. Jones,
" " Drew, William G. Guice,
" " Franklin, Gaddis E. Miller,
" " Fulton, Strother F. Burgess,
" " Greene, James K. Norsworthy,
" " Hempstead, Harman Bishop,
" " " John S. Cannon,
" " Hot Spring, E. C. Jones,
" " Independence, Elisha Baxter,
" " " Franklin W. Desha,
" " " David C. Montgomery,
" " Izard, John A. Beck,
" " Jackson, William K. Patterson,
" " Jefferson, George C. Tuley,
" " Johnson, Henry G. Butts,
" " " James G. Watson,
" " Lafayette, Alexander Byrne,
" " Lawrence, Green R. Jones,
" " " Green P. Nunn,
" " Madison, Pleasant M. Johnson,
" " " Allen Wood,
" " Marion, William B. Flippin,
" " Mississippi, Joseph C. Harding,
" " Monroe, Frances P. Redmond,
" " Montgomery, W. Stringfellow,
" " Newton, William Ramsey,
" " Ouachita, Charnal H. Thorn,
" " " Wm. S. Wade,
" " Perry, Levin D. Hill,
" " Phillips, Robt. B. Macon,
" " " Wm. D. Rice,
" " Pike, Wm. B. Gould,
" " Poinsett, Alanson T. Puryear,
" " Polk, William Jernigin,
" " Pope, James Bruton,
" " " William D. Poe,
" " Prairie, E. M. Williams,
" " Pulaski, Henry M. Rector,
" " " Joseph Stillwell,
" " Randolph, W. R. Hunter,
" " Saline, Alfred R. Hockersmith,
" " Scott, James Logan,
" " Searcy, Samuel Leslie,
" " Sebastian, Samuel Edmondson,
" " Sevier, Charles Pettigrew,
" " St. Francis, Samuel L. Austell,
" " " John W. Calvert,
" " Union, B. R. Matthews,
" " " Green Newton,
" " " William E. Powell,

From the county of Union, John Primm,
" " Van Buren, Jesse Witt,
" " Washington, L. Gregg,
" " " S. R. Moulden,
" " " B. H. Smithson,
" " " Thomas Wilson,
" " White, John Terry,
" " Yell, B. J. Jacoway.

The above named gentlemen then came forward, presented their credentials, and after having been duly sworn, took their seats as members of the House of Representatives for their respective counties.

The chair announced that nominations for Speaker were in order.

Mr. Butts nominated Allen Wood, of Madison county.

Mr. Macon nominated S. L. Austell, of St. Francis county.

Mr. Logan nominated H. M. Rector of Pulaski county.

Mr. Miller nominated George C. Tuley, of Jefferson county.

Mr. Morton nominated Samuel Mitchell, of Arkansas county.

Mr. Wilson nominated B. H. Smithson, of Washington county.

No further nominations being made, the roll was called, when the following members voted for Mr. Wood, to wit:

Messrs. Austell, Baxter, Bunch, Butts, Douglas, Edmondson, Flippin, Gordon, Haggin, Jones of Conway, Pettigrew, Ramsey, Terry and Watson—14.

Those members voting for Mr. Austell, are

Messrs. Barkman, Barton, Beck, Bruton, Burgess, Calvert, Harding, Hunter, Jones of Lawrence, Leslie, Macon, Montgomery, Norsworthy, Patterson, Puryear, Redmond, Rice, Stringfellow and Wood—19.

Those voting for Mr. Rector, are

Messrs. Beall, Byrne, Holmes, Jacoway, Jernigin, Logan, Matthews, Newton, Primm, Smithson, Thorn and Wade—12.

Those voting for Mr. Tuley, are

Messrs. Harris, Miller, Mitchell and Neale—4.

Those members who voted for Mr. Mitchell, are

Messrs. Allen, Bishop, Brown, Cannon, Desha, Ederington, Gould, Guice, Hill, Hockersmith, Johnson, Jones of Desha, Jones of Hot Spring, Morton, Nunn, Poe, Powell, Rector, Stillwell, Tuley, Whinery and Williams—22.

Those voting for Mr. Smithson, are

Messrs. Gregg, Moulden, Wilson and Witt—4.

No candidate having received a majority of all the votes cast, the chair announced that no choice had been made.

Whereupon the House proceeded to ballot a second time.

Those members who voted for Mr. Wood, are

Messrs. Austell, Baxter, Bunch, Butts, Douglas, Edmondson, Haggin, Miller, Mitchell, Pettigrew, Ramsey, Terry and Watson—13.

Those members who voted for Mr. Austell, are

Messrs. Barton, Beck, Bruton, Burgess, Calvert, Harding, Hunter, Jones, of Lawrence, Leslie, Macon, Montgomery, Newton, Norsworthy, Patterson, Puryear, Redmond, Rice, Stringfellow and Wood—19.

Those who voted for Mr. Rector, are

Messrs. Beall, Byrne, Holmes, Jacoway, Jernigin, Logan and Smithson—7.

Mr. Harris voted for Mr. Tuley.

Those members who voted for Mr. Mitchell, are

Messrs. Allen, Bishop, Brown, Cannon, Desha, Ederington, Flippin, Gordon, Gould, Guice, Hill, Hockersmith, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Matthews, Morton, Neale, Nunn, Poe, Powell, Primm, Stillwell, Thorn, Tuley, Wade, Whinery and Williams—29.

Those members who voted for Mr. Smithson, are

Messrs. Barkman, Gregg, Moulden, Rector, Wilson and Witt—6.

No candidate having received a majority of all the votes cast, the chair announced that no choice had been made.

Whereupon Mr. Butts withdrew the name of Mr. Wood.

Mr. Logan withdrew the name of Mr. Rector.

Mr. Wilson withdrew the name of Mr. Smithson.

Mr. Miller withdrew the name of Mr. Tuley.

The clerk proceeded to call the roll the third time.

The following members voted for Mr. Austell:

Messrs. Barton, Beck, Bruton, Bunch, Burgess, Calvert, Gordon, Harding, Hunter, Jacoway, Jones of Lawrence, Leslie, Macon, Mitchell, Montgomery, Newton, Norsworthy, Patterson, Puryear, Ramsey, Redmond, Rice, Stringfellow and Williams—24.

Those members who voted for Mr. Mitchell, are

Messrs. Allen, Austell, Barkman, Baxter, Beall, Bishop, Brown, Butts, Byrne, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gould, Gregg, Guice, Haggin, Harris, Hill, Hockersmith, Holmes, Johnson, Jones of Conway, Jones of Desha, Jones, of Hot Spring, Jernigin, Logan, Matthews, Miller, Morton, Moulden, Neale, Nunn, Pettigrew, Poe, Powel, Primm, Rector, Smithson, Stillwell, Terry, Thorn, Tuley, Wade, Watson, Whinery, Wilson, Witt and Wood—51.

Whereupon, the chair announced that the Hon. Samuel Mitchell, having received a majority of all the votes cast, was duly elected Speaker of the House of Representatives for and during the time prescribed by law.

Mr. Mitchell having been conducted to the chair by Messrs. Wood, Smithson and Rector, entered upon the discharge of his duties, Chief Justice Watkins administering the oath of office.

The chair announced that nominations for principal clerk were in order.

Mr. Stringfellow nominated James H. Hobbs.

No further nominations being made the roll was called.

Those members who voted for Mr. Hobbs, are

Messrs. Allen, Austell, Barkman, Barton, Baxter, Beall, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Harding, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Mitchell, Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Terry, Thorn, Tuley, Wade, Watson, Whinery, Williams, Wilson, Witt, and Wood—75.

Whereupon the chair announced that James H. Hobbs having received the unanimous vote of the House, was duly elected principal clerk of the House of Representatives.

Whereupon he took the oath and entered upon the discharge of the duties of his office.

The chair announced that nominations for assistant clerk were in order.

Mr. Gregg nominated James F. Fagan.

Mr. Jacoway nominated James Gatt.

No further nominations being made, the roll was called, when the following members voted for Mr. Fagan, to wit:

Messrs. Allen, Austell, Barkman, Barton, Baxter, Beall, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Byrne, Calvert, Cannon, Desha, Douglas, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Harding, Harris, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones, of Lawrence, Leslie, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Strinfellow, Stillwell, Terry, Thorn, Tuley, Wade, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—68.

Those members who voted for Mr. Gatt, are

Messrs. Butts, Edmondson, Hill, Jacoway, Jernigin, Logan and Watson—7.

Whereupon the chair announced that James F. Fagan having received a majority of all the votes cast, was duly elected assistant clerk of the House of Representatives.

Mr. Fagan took the oath of office and entered upon the discharge of his duties.

The chair announced that nominations for enrolling clerk were in order.

Mr. Harding nominated Mr. Black.

Mr. Butts nominated Mr. Berry.

Mr. Rector nominated Mr. Carroll.

Mr. Nunn nominated Mr. Steele.

Mr. Hill nominated Mr. Kimbell.

No further nominations being made, the roll was called.

Those members voting for Mr. Black, are

Messrs. Austell, Beck, Harding, Leslie, Macon, Montgomery, Puryear, Redmond, Rice and Mr. Speaker—10.

Those members who voted for Mr. Berry, are

Messrs. Brown, Bruton, Bunch, Butts, Douglas, Edmondson, Flippin, Gordon, Gregg, Haggin, Jacoway, Johnson, Jones of Conway, Miller, Morton, Moulden, Norsworthy, Ramsey, Smithson, Terry, Watson, Whinery, Williams, Wilson, Witt and Wood—26.

Those who voted for Mr. Carroll, are

Messrs. Jones, of Desha, Neale, Rector, Tuley and Wade—5.

Those who voted for Mr. Steele, are

Messrs. Baxter, Desha, Hunter, Jones, of Lawrence, Nunn, Patterson and Poe—7.

Those who voted for Mr. Kimball, are

Messrs. Allen, Barkman, Barton, Beall, Bishop, Burgess, Byrne, Calvert, Cannon, Ederington, Gould, Guice, Harris, Hill, Hockersmith, Holmes, Jones of Hot Spring, Jernigin, Logan, Matthews, Newton, Pettigrew, Powel, Primm, Stillwell and Stringfellow—26.

No candidate having received a majority of all the votes cast, the chair announced that no choice had been made.

Mr. Logan nominated Mr. Wright, when the clerk proceeded to call the roll a second time.

Those members who voted for Mr. Black, are

Messrs. Austell, Baxter, Beck, Harding, Leslie, Macon, Montgomery, Morton, Puryear, Redmond, Rice, William and Mr. Speaker—13.

Those members who voted for Mr. Berry, are

Messrs. Brown, Bruton, Bunch, Butts, Douglas, Flippin, Gordon, Gregg, Haggin, Jacoway, Johnson, Jones of Conway, Miller, Moulden, Norsworthy, Poe, Ramsey, Terry, Watson, Whinery, Wilson, Witt and Wood—23.

Those members who voted for Mr. Carroll, are

Messrs. Jones, of Desha, Rector, Thorn and Wade—4.

Those members voting for Mr. Steele, are

Messrs. Desha, Hunter, Jones, of Lawrence, Nunn and Patterson—5.

Those members who voted for Mr. Kimball, are

Messrs. Allen, Barkman, Barton, Beall, Bishop, Burgess, Byrne, Calvert, Cannon, Ederington, Gould, Guice, Harris, Hill, Hockersmith, Jones of Hot Spring, Neale, Newton, Pettigrew, Powel, Smithson, Stillwell and Stringfellow—24.

Those members who voted for Mr. Wright, are

Messrs. Edmondson, Jernigin, Logan, Matthews and Primm—5.

No candidate having received a majority of all the votes cast, the chair announced that no choice had been made.

Mr. Rector withdrew the name of Mr. Carroll.

Mr. Nunn withdrew the name of Mr. Steele.

The clerk proceeded to call the roll, when the following members voted for Mr. Black, viz:

Messrs. Austell, Baxter, Beck, Desha, Harding, Hunter, Macon, Montgomery, Puryear, Redmond, Rice, Williams and Mr. Speaker—13.

Those members who voted for Mr. Berry, are

Messrs. Brown, Bruton, Bunch, Butts, Douglas, Flippin, Gordon, Gregg, Haggin, Jacoway, Johnson, Jones of Conway, Jones of Desha, Leslie, Moulden, Norsworthy, Patterson, Poe, Ramsey, Smithson, Terry, Watson, Whinery, Wilson, Witt and Wood—28.

Those members who voted for Mr. Kimball, are

Messrs. Allen, Barkman, Barton, Beall, Bishop, Burgess, Byrne, Calvert, Cannon, Ederington, Gould, Guice, Harris, Hill, Hockersmith, Holmes, Jones of Hot Spring, Jones of Lawrence, Neale, Newton, Nunn, Pettigrew, Powel, Stillwell, Stringfellow, Thorn, Tuley and Wade—28.

Those members voting for Mr. Wright, are

Messrs. Edmondson, Jernigin, Logan, Matthews, Morton, Primm and Rector—7.

No candidate having received a majority of all the votes cast, the Speaker announced that no choice had been made,

Mr. Harding withdrew the name of Mr. Black.

The clerk proceeded to call the roll, when the following named members voted for Mr. Berry, viz:

Messrs. Austell, Baxter, Beck, Brown, Bruton, Bunch, Butts, Calvert, Douglas, Flippin, Gordon, Gregg, Haggin, Harding, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Leslie; Macon, Miller, Moulden, Norsworthy, Patterson, Poe, Puryear, Ramsey, Redmond, Rice, Smithson, Terry, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—39.

Those members who voted for Mr. Kimball, are

Messrs. Allen, Barkman, Barton, Beall, Bishop, Burgess, Byrne, Cannon, Desha, Ederington, Gould, Guice, Harris, Hill, Hockersmith, Holmes, Jones of Hot Spring, Jones of Lawrence, Montgomery, Neale, Newton, Nunn, Pettigrew, Powel, Stringfellow, Stillwell, Thorn, Tuley and Wade—29.

Those members who voted for Mr. Wright, are

Messrs. Edmondson, Jernigin, Logan, Matthews, Morton, Primm and Rector—7.

Whereupon the Speaker announced that James R. Berry having received a majority of all the votes cast, was duly elected enrolling clerk of the House of Representatives.

Whereupon Mr. Berry took the oath of office and entered upon the discharge of his duties.

Mr. Morton moved to take a recess till 2 o'clock P. M.; which was lost.

The chair announced that nominations for door keeper were in order.

Mr. Wood nominated Mr. Witt.

Mr. Jacoway nominated Mr. Griffin.

Mr. Stillwell nominated Mr. Thompson.

Mr. Edmondson nominated Mr. Reader.

Mr. Holmes nominated Mr. Harvill.

Mr. Gordon nominated Mr. Webster.

Mr. Bruton nominated Mr. Murray.

Mr. Rector nominnted Messrs. Owen and Elmore.

Mr. Williams nominated Mr. Davis.

No further nominations being made the roll was called.

Those members who voted for Mr. Witt, are

Messrs. Bunch, Flippin, Gregg, Jones, of Desha, Leslie, Moulden, Smithson, Wilson, Witt and Wood—10.

Those members who voted for Mr. Thompson, are

Messrs. Barkman, Barton, Byrne, Harris, Hockersmith, Hunter, Jones, of Lawrence, Nunn, Pettigrew, Redmond, Stillwell, Stringfellow and Tuley—14.

Mr. Jacoway voted for Mr. Griffin.

Those members who voted for Mr. Reader, are

Messrs. Beck, Desha, Edmondson, Hill, Jernigin, Logan, Morton and Mr. Speaker—8.

Those who voted for Mr. Harvill, are

Messrs. Allen, Harding, Holmes, Jones, of Hot Spring, Macon, Patterson, Powel, Rice, Thorn and Wade—10.

Those members who voted for Mr. Webster, are Messrs. Gordon and Watson.

Messrs. Bruton, Butts, Jones, of Conway, and Poe voted for Mr. Murray.

Those who voted for Mr. Owen, are Messrs. Matthews, Newton, Primm and Rector—4.

Mr. Beall voted for Mr. Elmore.

Those members who voted for Mr. Davis, are

Messrs. Austell, Baxter, Bishop, Brown, Burgess, Calvert, Cannon, Douglas, Ederington, Gould, Guice, Haggin, Johnson, Miller, Montgomery, Norsworthy, Puryear, Ramsey, Terry, Whinery and Williams—21.

No candidate having received a majority of the votes cast, the chair announced that no choice had been made.

Mr. Gordon withdrew the name of Mr. Webster.

Mr. Jones, of Desha, moved to adjourn till to-morrow morning 9 o'clock—which was lost.

Mr. Wood moved a recess till 2 o'clock, P. M.; which was also lost.

Mr. Rector withdrew the name of Mr. Owen.

When, on motion of Mr. Redmond, a recess till 3 oclock, P.M.

3 o'clock, P. M., *November 6th.*

The House convened.

Mr. Miller nominated Mr. Ring for door keeper.

The House proceeded to ballot a second time.

Those members who voted for Mr. Witt are

Messrs. Brown, Bunch, Flippin, Gregg, Jones of Desha, Leslie, Moulden, Norsworthy, Wilson, Witt and Wood—11.

Mr. Jacoway voted for Mr. Griffin.

Those who voted for Mr. Thompson, are

Messrs. Barkman, Barton, Beall, Byrne, Harris, Hockersmith, Hunter, Jones of Lawrence, Neale, Nunn, Redmond, Smithson, Stillwell, Stringfellow and Tuley—15.

Those who voted for Mr. Reader, are

Messrs. Beck, Desha, Edmondson, Hill, Jernigin, Logan, Morton and Mr. Speaker—8.

Those who voted for Mr. Harvill, are

Messrs. Allen, Harding, Holmes, Jones of Hot Spring, Macon, Matthews, Newton, Patterson, Pettigrew, Powel, Primm, Rice, Thorn and Wade—14.

Those members who voted for Mr. Murray, are

Messrs. Bruton, Butts, Gordon, Jones of Conway, and Poe—5.

Those members who voted for Mr. Davis, are

Messrs. Austell, Baxter, Bishop, Burgess, Calvert, Cannon, Douglas, Ederington, Gould, Guice, Haggin, Johnson, Miller, Montgomery, Puryear, Ramsey, Terry, Watson and Williams—20.

Mr. Rector voted for Mr. Elmore.

No candidate having received a majority of all the votes cast, the chair announced that no choice had been made.

Mr. Jacoway withdrew the name of Mr. Griffin.

The clerk proceeded to call the roll the third time, when the following members voted for Mr. Witt.

Messrs. Brown, Bunch, Flippin, Jones of Conway, Jones of Desha, Leslie, Moulden, Witt and Wood—9.

Those members who voted for Mr. Thompson, are

Messrs. Barkman, Barton, Beall, Harris, Hockersmith, Jones of Hot Spring, Jones of Lawrence, Neale, Nunn, Pettigrew, Poe, Stillwell, Stringfellow and Tuley—15.

Those members who voted for Mr. Reader, are

Messrs. Desha, Edmondson, Hill, Jacoway, Jernigin, Logan, Morton, Smithson and Mr. Speaker—9.

Those members who voted for Mr. Harvill, are

Messrs. Allen, Harding, Holmes, Macon, Newton, Patterson, Powel, Primm, Redmond, Rice, Thorn and Wade—12.

Those members who voted for Mr. Murray, are

Messrs. Bruton, Butts, Gordon and Watson—4.

Mr. Rector voted for Mr. Elmore.

Those members who voted for Mr. Davis, are

Messrs. Austell, Baxter, Beck, Bishop, Burgess, Byrne, Calvert, Cannon, Douglas, Ederington, Gould, Gregg, Guice, Haggin, Johnson, Matthews, Miller, Montgomery, Norsworthy, Puryear, Ramsey, Terry, Whinery, Williams and Wilson—25.

No candidate having received a majority of all the votes cast, the chair announced that no choice had been made.

Mr. Wood withdrew the name of Mr. Witt.

Mr. Bruton withdrew the name of Mr. Murray.

Mr. Rector withdrew the name of Mr. Elmore.

The House proceeded to ballot a fourth time.

Those members who voted for Mr. Thompson, are

Messrs. Beall, Bruton, Desha, Harris, Hockersmith, Hunter, Jones of Hot Spring, Jones of Lawrence, Moulden, Neale, Nunn, Poe, Rector, Smithson, Stringfellow and Tuley—16.

Those members who voted for Mr. Reader, are

Messrs. Barkman, Barton, Butts, Byrne, Edmondson, Gordon, Hill, Jacoway, Jones of Conway, Jones of Desha, Jernigin, Logan, Morton, Watson and Mr. Speaker—15.

Those members who voted for Mr. Harvill, are

Messrs. Allen, Harding, Holmes, Macon, Patterson, Powel, Redmond, Rice, Thorn and Wade—10.

Those members who voted for Mr. Davis, are

Messrs. Austell, Baxter, Beck, Bishop, Brown, Bunch, Burgess, Calvert, Cannon, Douglas, Ederington, Flippin, Gould, Gregg, Guice, Haggin, Johnson, Leslie, Matthews, Miller, Montgomery, Newton, Norsworthy, Pettigrew, Primm, Puryear, Ramsey, Terry, Whinery, Williams, Wilson, Witt and Wood—33.

No candidate having received a majority of all the votes cast, the chair announced that no choice had been made.

Mr. Holmes withdrew the name of Mr. Harvill.

The House proceeded to ballot the fifth time.

Those members who voted for Mr. Thompson, are

Messrs. Beall, Bruton, Harris, Hockersmith, Holmes, Hunter, Jones of Hot Spring, Jones of Lawrence, Neale, Nunn, Poe, Powel, Rector, Stringfellow, Thorn and Tuley—16.

Those members who voted for Mr. Reader, are

Messrs. Barkman, Barton, Butts, Desha, Edmondson, Gordon, Gregg, Hill, Jacoway, Jones of Conway, Jones of Desha, Jernigin, Logan, Morton, Redmond, Rice, Smithson, Stillwell, Watson and Mr. Speaker—20.

Those members who voted for Mr. Davis, are

Messrs. Allen, Austell, Baxter, Beck, Bishop, Brown, Bunch, Burgess, Byrne, Calvert, Cannon, Douglas, Ederington, Flippin, Gould, Guice, Haggin, Harding, Johnson, Leslie, Macon, Matthews, Miller, Montgomery, Moulden, Newton, Norsworthy, Patterson, Pettigrew, Primm, Puryear, Ramsey, Terry, Wade, Whinery, Williams, Wilson, Witt and Wood—39.

Mr. Davis having received a majority of all the votes cast was declared duly elected door keeper of the House of Representatives, and entered upon the discharge of the duties of his office.

Mr. Douglas offered the following resolution:

Whereas, Under existing circumstances it is expedient that the funds of the State be rigidly economized; therefore,

Resolved, That the House dispense with the service of a page during the session of this body.

Which, on motion of Mr. Wood, was laid on the table.

On motion, the House proceeded to the election of a page.

The chair announced that nominations for said office were in order.

Mr. Rector nominated master A. C. Johnson.

Mr. Watson nominated master Jno. Rose.

Mr. Tuley nominated master James Boswell.

Mr. Johnson nominated master —— Counts.

No further nominations being made the roll was called.

Those who voted for Master Johnson, are

Messrs. Allen, Barkman, Barton, Burgess, Calvert, Cannon, Guice, Harding, Edmondson, Harris, Hill, Holmes, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Neale, Newton, Nunn, Pettigrew, Powel, Primm, Rector, Rice, Stringfellow, Terry, Tuley and Wade—33.

Those members who voted for master Counts, are

Messrs. Austell, Baxter, Beck, Desha, Ederington, Flippin, Haggin, Hockersmith, Johnson, Jones of Lawrence, Montgomery, Moulden, Norsworthy, Patterson, Puryear, Smithson, Stillwell, Terry, Wilson, Witt, Wood and Mr. Speaker—22.

Those members who voted for master Rose, are

Messrs. Bishop, Brown, Bruton, Bunch, Butts, Douglas, Gordon, Gould, Gregg, Jones of Conway, Poe, Ramsey, Watson, Whinery and Williams—15.

Messrs. Beall, Byrne, Morton and Redmond voted for master Boswell—4.

No candidate having received a majority of all the votes cast, the chair announced that no choice had been made.

The clerk proceeded to call the roll a second time.

Those members who voted for master Counts, are

Messrs. Baxter, Beck, Desha, Flippin, Johnson, Jones of Conway, Jones of Lawrence, Miller, Montgomery, Morton, Moulden, Norsworthy, Patterson, Smithson, Stillwell, Terry, Williams, Wilson, Witt and Mr. Speaker—20.

Those members who voted for master Johnson, are

Messrs. Allen, Austell, Barkman, Barton, Beall, Burgess, Byrne, Calvert, Cannon, Edmondson, Ederington, Gould, Guice, Harding, Harris, Hill, Hockersmith, Holmes, Hunter, Jones of Desha, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Matthews, Neale, Newton, Nunn, Pettigrew, Poe, Powell, Primm, Puryear, Rector, Redmond, Rice, Stringfellow, Thorn, Tuley and Wade—41.

Those members who voted for master Rose, are

Messrs. Bishop, Brown, Bruton, Bunch, Butts, Douglas, Gordon, Gregg, Haggin, Jacoway, Ramsey, Watson, Whinery and Wood—14.

Whereupon the chair announced that A. C. Johnson, having received a majority of all the votes cast, was duly elected page of the House of Representatives.

Mr. Johnson moved an adjournment, which motion was lost.

Mr. Powel moved that the House go into the election of chaplin.

Mr. Whinery moved to lay said motion on the table till the 1st day of March next; which motion carried.

Mr. Douglas offered the following resolution:

Resolved, That a committee of three be appointed to confer with the praying members of this body, so that an arrangement be made to have prayer in the hall of the House of Representatives, at half past 8 o'clock, in the morning, in order to save to the State the expense incident to the election of chaplain.

Mr. Powel moved to lay said resolution on the table till 4th July next, which motion prevailed

Mr. Redmond offered the following resolution:

Resolved, That a message be sent to the Senate, informing that body that the House of Representatives have organized by electing Hon. Samuel Mitchell, of Arkansas county, Speaker; James H. Hobbs, chief clerk; James F. Fagan, assistant clerk; James R. Berry, enrolling clerk and J. E. Davis, door keeper; and are now ready to proceed to business.

Which was read and adopted.

Mr. Whinery offered the following resolution:

Resolved, That a committee of five be appointed to join such committee as may be appointed by the Senate to wait on the Governor and inform him that the House is now organized and ready to receive any communication he may see proper to present.

Which was adopted, and Messrs. Whinery, Austell, Smithson, Wood and Rector, appointed on the part of the House, as such committee.

Mr. Moulden offered the following resolution:

Resolved, That the clerk of the House of Representatives be authorized to furnish each member suitable stationery.

Which was adopted.

Mr. Wilson offered the following resolution:

Resolved, That the Secretary of State be required to furnish each member of this House with a copy of English's Digest of the Statutes of Arkansas; also, the Journals and Acts of the last legislature.

Which was adopted.

On motion of Mr. Wood, the House adjourned until to-morrow morning, 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

TUESDAY MORNING, *Nov. 7th,* 1854.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Wood offered the following resolution:

Resolved, That the editors of the different newspapers throughout the State be permitted to take seats within the bar of the House, for the purpose of taking minutes of the proceedings of the House, as they may think proper, when in open session.

Which was adopted.

Mr. Wood offered the following joint resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representatives be requested to use their best exertions to procure the establishment of a horse mail route from Huntsville, Madison county, thence to Kingston, in Madison county, thence to Samuel Whiteley's, in Newton county, thence to Jasper, in Newton county.

Which was read a first time.

Mr. Wood moved a suspension of the rules, in order to read said resolution a second time; which motion was lost.

Mr. Moulden offered the following resolution:

Resolved, That the rules of the last session of this House shall govern its deliberations until a committee, hereafter to be appointed for that purpose, shall report.

Which resolution was read and adopted.

Mr. Johnson asked leave of absence for Mr. Norsworthy, in consequence of indisposition; which was granted him.

Mr. Puryear offered the following joint resolution:

Resolved, That a committee of five be appointed on the part of the House to act with such committee as may be appointed on the part of the Senate, whose duty it shall be to invite and receive proposals for the execution of the printing of this General Assembly, and all such other printing as the public service shall require previous to the meeting of the next General Assembly, and that they report the result of their proceedings to each branch of this General Assembly, by the committee appointed by each of said Houses.

Which resolution was read a first time.

On motion of Mr. Puryear, the rules were suspended, the resolution read a second and third time and adopted.

Whereupon the chair appointed as the committee on the part of the House, Messrs. Puryear, Montgomery, Allen, Hill and Smithson.

Mr. Brown offered the following resolution:

Resolved, That the Secretary of State be requested to furnish each member of this House with one copy of the acts of the General Assembly of 1850 and '51, for the use of the members of this House, during the present session.

Which resolution was adopted.

Mr. Williams offered the following resolution:

Resolved, That the door keeper be, and he is hereby authorized to put the gallery of the House in order for the reception of the ladies, who may honor this house with their presence.

Which was adopted.

Mr. Barton moved to reconsider the vote of yesterday in regard to the election of chaplain to the House of Representatives.

Mr. Powel called for the ayes and nays; the call being sustained, the roll was called, when the following members voted in the affirmative, viz:

Messrs. Allen, Austell, Barkman, Barton, Baxter, Beall, Beck, Brown, Byrne, Desha, Edmondson, Gould, Gregg, Guice, Harding, Harris, Hill, Hockersmith, Holmes, Hunter, Jones of Conway, Jones of Lawrence, Jernigin, Logan, Macon, Matthews, Montgomery, Morton, Moulden, Neale, Newton, Nunn, Patterson, Powel, Primm, Puryear, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Thorn, Tuley, Wade, Williams, Wilson, Witt and Mr. Speaker—50.

Those members who voted in the negative, are

Messrs. Bishop, Bruton, Bunch, Burgess, Butts, Calvert, Cannon, Douglas, Ederington, Flippin, Gordon, Haggin, Jacoway, Johnson, Jones of Desha, Jones of Hot Spring, Leslie, Pettigrew, Poe, Ramsey, Terry, Watson, Whinery and Wood—23.

So the motion to reconsider prevailed.

Mr. Whinery, from a select committee, made the following report:

Mr. Speaker:

The committee appointed to wait on the Governor have performed that duty and instructed me to inform you that the Governor will be ready this day at 12 o'clock, to deliver his message. WHINERY, *Chairman*.

Mr. Smithson offered the following resolution:

Resolved, That the Senate be invited to meet this House at the hour of 12 o'clock this day, to receive the message of the Governor to this General Assembly, and that this House inform the Senate of that fact.

Which resolution was adopted.

Mr. Redmond gave notice that he would, on Monday next, or some convenient time thereafter, introduce a bill to abolish the office of internal improvement commissioner.

Mr. Smithson offered the following joint resolution:

Resolved by the Senate and House of Representatives, That the election to fill the vacancy in the United States Senate, occasioned by the resignation of the Hon. Solon Borland, and also for the necessary term of six years, be holden on Friday, the 10th inst., at 12 o'clock on said day, and that the Senate be requested to concur herein.

Which was read a first time.

On motion of Mr. Smithson the rules were suspended, the resolution read a second time, and on the further motion of Mr. Wood, the rules were again suspended, the resolution read a third time and adopted.

Mr. Moulden offered the following resolution:

Resolved, That the Speaker appoint a committee to draft rules for the government of this House during the present session.

Which resolution was adopted, and the chair appointed as such committee, Messrs. Moulden, Stringfellow, Gordon, Gregg, Powel, Rice and Thorn.

The following message was received from the Senate, by the hands of their secretary:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have organized by electing the Hon. Basil C. Harley of Dallas county, President; William L. D. Williams, Esq., of Prairie county, secretary; Fountain P. Yell, Esq., of Jefferson county, assistant secretary; Alexander Fry, of Dallas county, door keeper; Dr. Whitfield, of Ouachita county, enrolling secretary, and are now ready to proceed to business.

I am further instructed to inform your honorable body that the Senate have concured in the joint resolution of the House appointing a joint committee to wait on Governor E. N. Conway, and inform him that the two Houses of the General Assembly are now organized, and ready to receive from him any communication he may think proper to make.

The committee on the part of the Senate, are Messrs Totten, Harrison and Craighead.

W. L. D. WILLIAMS,
Sec'y of the Senate.

The following message was also received from the Senate,

Mr. Speaker:

I am instructed to inform your honorable body that the Senate will be ready to proceed to the hall of the House of Representatives to-day at 12 o'clock, M., for the purpose of receiving the biennial communication from the Governor.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Rector offered the following resolution:

Resolved, That the office of chaplain being necessary to the House of Representatives said office is hereby created.

Mr. Wade offered the following amendment: "that the members of this House pay the chaplain out of their own purses."

Which amendment was, on motion of Mr. Bruton, laid on the table.

Mr. Powel called for the ayes and nays on the adoption of said resolution, which call was sustained and the roll called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Beck, Brown, Byrne, Cannon, Desha, Edmondson, Gould, Gregg, Guice, Harding, Harris, Hill, Hockersmith, Holmes, Hunter, Jones of Conway, Jones of Lawrence, Jernigin, Logan, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Newton, Nunn, Patterson, Powel, Primm, Puryear, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Thorn, Tuley, Wade, Watson, Williams, Wilson, Witt and Mr. Speaker—51.

Those members voting in the negative, are

Messrs. Bishop, Bruton, Bunch, Burgess, Butts, Calvert, Douglas, Ederington, Flippin, Gordon, Haggin, Jacoway, Johnson, Jones of Desha, Jones of Hot Spring, Leslie, Pettigrew, Poe, Ramsey, Terry, Whinery and Wood—22.

So the resolution was adopted.

On motion of Mr. Wilson the House took a recess til 12 o'clock, M.

12 o'clock, M. Nov. 7th.

The House convened.

Mr. Powel offered the following preamble and resolution:

WHEREAS, The pecuniary condition of the State of Arkansas is such as to admonish each member of the General Assembly to guard with rigid economy the funds of the State, be it therefore

Resolved, That the sum of two dollars be assessed and collected as a rate or contribution from each member of the House of Representatives, by the chief clerk of the House, for the purpose of raising a fund to defray the expenses of a chaplin to the House during the present session.

Which, on motion of Mr. Wood, was rejected.

The following message was received from the Senate,

Mr. Speaker:

I am instructed to inform your honorable body that the Senate have adopted the following:

Resolved by the Senate and House of Representatives of the State of Arkansas, That in the melancholy dispensation which has deprived us of our amiable friend, the Hon. Geo. W. Underhill, Senator elect from the counties of Mississippi and Crittenden, the country has lost one of its most useful citizens and faithful servants, and society has been deprived of one of its brightest ornaments, a man who in all the relations which bound him to his country, his friends and his family, so demeaned himself that while he obtained the respect and confidence of his fellow men, he won the generous opinion of his friends and the affectionate devotion of his family.

Resolved, As a testimony of the many virtues of the deceased, the estimation in which we hold him, and as an expression of the sympathy which we feel in common with all who knew him, we the members of this General Assembly will wear the usual badge of mourning for thirty days.

Resolved further, That a copy of these resolutions be published in the papers of this city, and a copy of the same be transmitted to his bereaved family.

All of which are herewith transmitted for the concurrence of the House.

W. L. D. WILLIAMS,
Sec'y Senate.

Which resolutions were, on motion of Mr. Redmond, concurred in.

Mr. Redmond offered the following resolution:

Resolved, That all ministers of the Gospel who have been seen in the public bar-room, and on the street sides, electioneering for the office of chaplain, be deemed disqualified for said office.

Which on motion of Mr. Bruton, was adopted.

On motion of Mr. Wilson the clerk informed the Senate that the House was ready to receive them in the hall for the purpose of hearing the message of his Excellency the Governor.

The Senate now appeared within the hall of the House, and were seated.

R. H. Johnson, Esq., private secretary to the Governor, now entered and read the following message from his Excellency:

GOVERNOR'S MESSAGE.

Fellow-citizens of the Senate
and of the House of Representatives.

It is a source of gratification to give to you information of the state of the government, and to recommend to your consideration such measures as are deemed expedient. This pleasure is produced by that kind of confidence with which one who earnestly seeks to render the State service, ever greets and confers with those known to be intelligent and patriotic co-laborers for the public good.

So recently elected by the free suffrages of your constituents, before whom matters of deep interest had been discussed, you are doubtless prepared to reflect their will, and to act with wisdom and promptitude in the discharge of your legislative duties. So that you might not be delayed in your action for the want of official information, the Executive has caused to be printed, and will have laid before you, the various reports, as well as other information connected with matters of public interest, to which he will allude. To the reports and the other information so adopted, as accompanying documents to this message, you are respectfully referred for intelligence in detail. The reports of the Auditor and Treasurer contain much valuable information relative to the fiscal affairs of the State, and also recommendations worthy of your consideration.

By these reports it will be seen that the State debt, for warrants issued by the Treasurer to defray ordinary expenses of the State, and which amounted to $175,751 74, was all paid during the last two fiscal years, except $371 76, and that on the first day of October, 1854, there remained in the Treasury, subject to be used for ordinary expenses, a balance in specie, of $29,514 29.

The revenue from the assessment for the year 1854, and which is now being collected, will not be due from the sheriff's until the first day of May, 1855, and payment may be deferred until the fifteenth day of that month. The expenses of the State from the first of October, 1854, to the fifteenth of May, 1855, will be much greater than the balance in the Treasury on the first day of October, 1854; and after the expenditure of the money in the Treasury, treasury warrants will again have to be issued until the sheriffs make settlement.

With prudence and economy in all the departments of our government, the present revenue laws will bring into the Treasury means amply sufficient, after the fifteenth day of May, 1855, to defray the ordinary expenses of the State in the constitutional currency of gold and silver.

The whole amount of the Internal Improvement Fund distributed to and drawn by the several counties before the first day of October, 1854, was $246,934 82, and on that day a balance of this fund remained in the Treasury, in specie, amounting to $18,886 24.

The entire amount of the Seminary Fund distributed to and drawn by the several counties before the 1st day of October, 1854, was $38,276 08; and on that day, a balance of this fund remained in the Treasury amounting to $7,567 48. The sum of $1,068-97, which arose from the sales of the Saline Lands remained in the Treasury on the 1st of October, 1854.

The Executive has had printed, and will cause to be laid before you, the quarterly reports made to him by the late Auditor, C. C. Danley, as well as a certified transcript of the proceedings in court, to which it was necessary to resort before they could be obtained. It will be discovered that these quarterly reports contain no information whatever of the amount of warrants drawn by the late Auditor upon the Swamp Land Fund.

Section 51, of chapter 23, "Digest of the Statutes of Arkansas," provides that "It shall be the duty of the Auditor to make quarterly reports to the Governor of the amount of moneys in the hands of the Treasurer belonging to the State or any county." The Constitution of this State, in section *seven* of article *five*, provides that the Governor "may require any information, in writing, from the officers of the Executive Department, on any subject relating to the duties of their respective offices."

During the great solicitude of many, for the Governor to convene the General Assembly, in extra session, he was anxious to have published, for the information of the people, an official report of the condition of the Treasury, and as the late Auditor had never made to him any report whatever, the Governor, by virtue of the authority vested in him by the Coustitution, made upon the late Auditor, at different periods, two written requisitions for the information, in writing, which, both the law and the Constitution required him, as an officer of the Executive Department, to furnish; but he paid no attention whatever to either of these written requisitions, and refused wholly to make any report at all, until compelled, by a peremptory *mandamus*, granted against him by the court, as will be seen by the proceedings to which reference has been made.

The Executive had supposed that the constitutional provision and the present laws were sufficient to insure to the Governor an official report of the condition of the Treasury at any time, when, in the discharge of his duties, he might need or require such information; but after this case, it is deemed proper and necessary to have additional legislation, imposing heavy penalties on any officer of the Executive department, who shall hereafter refuse to comply with the provision of the constitution which has been quoted. Occasions may arise, when it might be of the utmost importance to the interest of the State for the Governor to be officially informed of the condition of public affairs, under the control of officers of the Executive Department. The framers of the constitution seemed to have acted under such an impression, and, it is believed, that you will not fail to consider mrturely and properly act upon the subject.

The late Auditor resigned, and, under the appointment of the Governor, William R. Miller was commissioned and qualified on the 16th day of September, 1854, only twenty-four days before the time fixed by law for the Auditor to deliver his biennial report to the Governor, yet, notwithssanding the shortness of the time, he prepared and rendered his report on the day designated by law.

Since the last session of the General Assembly, the Executive of this State has demanded of the executive authorities of other States, to which they had fled, the surrender of fourteen fugitives from justice, who stood charged with committing crimes, such as murder, arson and forgery, and had fled beyond the jurisdiction of this State, before the present executive came into office. Of the fourteen so demanded, twelve were surrendered, brought back, and delivered to the proper authorities of this State for trial. In every State upon which a demand was made, the Executive authority was commendably prompt in complying with the demand made under the constitution and laws of the United States. But in the State of Texas, after the Executive of that State had issued his warrant and caused to be arrested a fugitive who stood indicted in this State for the crime of forgery, the Supreme Court of the State of Texas, by a writ of *habeas corpus*, took the prisoner out of the custody of the officer who had arrested him, and, as outrageous as it may seem, turned him loose that he might escape, and upon the bare pretext that the warrant of the Governor of Texas, by authority of which the fugitive had been arrested, was informal. This court also refused to hold the fugitive in custody until the Governor of Texas could issue a new warrant, in such a form, as the court had intimated that they themselves would consider legal. This refusal was made, too, after the agent of this State had caused to be placed before the court, his written oath that the prisoner was the identical person who stood indicted in this State for forgery, and that he, the said agent, had, himself delivered to the Governor of Texas the demand made by the Executive of this State for the surrender of said fugitive, and that a duly authenticated copy of the indictment accompanied, and was delivered with the demand to the Governor of the State of Texas.

That you may be fully informed of this extraordinary procedure of the Supreme court of the State of Texas, duly authenticated copies of all the records and papers connected therewith are herewith transmitted. These papers have not been printed.

Since the last session of the General Assembly, the Executive of this State has had arrested and delivered to the proper agents of other States, to be taken back for trial, two fugitives charged with committing the crime of murder, and whose surrender had been demanded by the executive authorities of the States from which they had respectively fled.

In addition to the fourteen fugitives who stood charged with crimes and had fled from the State before the present Executive came into office, he also demanded the surrender of five others, charged with the crime of murder, but none of these could be found within the jurisdiction of the authorities upon which the demands were made.

The Executive also offered rewards for the arrest and delivery to the proper authorities, of many other persons charged with committing crimes in this State, but who had fled to uncertain places. Some of these have been arrasted and delivered into the custody to the proper officers, whilst others are, for the present, beyond the grasp of our laws.

It is recommended that a law be passed, requiring every Attorney for the State, in the several judicial circuits, to report to the Executive, after the expiration of each term of the court for every county in his circuit, a statement of the title, nature and condition of every cause pending, in which the State may be a party, or interested, as well as like information relative to all such causes as may have been tried and determined at the term, and the result of each. Such information collected and condensed would be important for the authorities of the State, and when required by law to be so obtained, arranged and published with the journals of the General Assembly, so that it could be examined and read by the people, it would have a tendency, not only to stimulate all officers concerned, to a vigilant discharge of their duties, but it is believed, would deter many from committing crime.

It is also recommended for your consideration that provision be made by law to authorize the election, by the qualified voters of each county, of an attorney for such business of the county, as would often be liable to suffer for the want of legal attention. The county attorney should be required to attend strictly to every case of a criminal character when pending before justices of the peace for examination, so that he might prevent the wrongful release of violators of the laws—cause the criminals to be legally held to account, and, in this way, greatly aid in having the laws faithfully executed. The duties now required by law of the attorneys for the State should in no wise be abated in consequence of the arrangement for electing and having county attorneys.

By "an act to provide for the building of a stone wall around the Penitentiary House of this State," approved 10th January, 1853, it was required that said wall shall be built three hundred feet square, eighteen feet above the surface of the earth, two feet below the surface, four feet base, diminishing to two feet at the top, making a wall of twenty feet in height of rock or stone, laid in the best kind of lime mortar, jointed with hydraulic cement; with two entrances, secured by iron gates."

On the 17th day of February, 1853, Alexander George and John Robins became the contractors to build the wall, and also for the safe keeping and the labor, control and management of any and all State convicts, for and during two years from the date of their contract, for the sum of $26,248 00.

The Executive appointed John Hutt, Inspector and Superintendent of the work; and it is gratifying to learn by his report that the contractors completed the wall, about the middle of last September, and that they had "complied fully and faithfully with the terms of the law, and done the State full and ample justice and themselves great credit."

The State made payments to the contractors from time to time as the work progressed, and after it had been finished, as stipulated, paid the residue of the amount to them. In constructing the wall a difficulty arose from the fact that the surface of the ground upon which it was to be built, was not level. The law made no provision for grading and levelling, but required the wall to be built three hundred feet square, eighteen feet above the surface of the earth and two feet below. The Executive instructed the Inspector to have the law strictly complied with, although the wall when finished, in accordance with the requirements of the act, might present an irregular appearance at the top.

It is recommended that provision be made for grading and levelling the ground enclosed, and also for building up the wall so that it may (after levelling the ground), be of uniform height on the inside;

Suitable work-shops, sufficiently capacious for the accommodation of machinery for manufacturing purposes, are necessary to enable the keepers to employ the convicts at profitable labor. A keeper's house is also requisite. These buildings should be fire-proof and constructed of stone, which would be more substantial and enduring than brick. The Penitentiary House is brick, and some parts of it are now in such a condition that repairs are absolutely necessary. With the Penitentiary House in good repair, the work-shops and keeper's house constructed, the institution could be leased so that it would be a source of revenue instead of expense to the State. Without such improvements it will remain, as heretofore, a tax upon the treasury.

The State has ample revenue to pay the ordinary expenses, cause these improvements to be made, and also to have the State House properly repaired, without imposing any additional tax upon the people. Under such circumstances it would seem to be good policy and real economy, to make appropriations to defray the expense of these works. By the report of the keepers, it will be seen that there were fifty convicts confined in the Penitentiary on the 16th October, 1854; and also three slaves detained there for safe keeping until their owners, from whom they had escaped, may legally retrieve them.

The report also refers to certain work and repairs deemed indispensable, which the keepers had done for the State at their own cost and risk, as well as to $170 00 paid by them to clothe discharged convicts, and to supply them with some money. The risk was only whether the General Assembly would act justly towards men who, as contractors and keepers, had honestly and faithfully discharged their duties to the State. That full justice will be accorded to the keepers by the Representatives of the people the Executive has not a doubt.

It is recommended that authority be given to the Governor to appoint one Inspector of the Penitentiary, who, in addition to periodically visiting and examining into the affairs and condition of the institution, prescribing rules for the discipline and government of the convicts, and seeing that they were well and humanely treated, might also be superintendent and inspector of such buildings and repairs as the General Assembly may authorize to be constructed and made for the benefit of the institution. This inspector should have a suitable salary and should be subject to be removed by the Governor, so that he may be required to perform his duty as long as he draws the salary. The policy heretofore adopted, of requiring the Secretary of State, Auditor and Treasurer, to act as Inspectors, has not worked well. These officers seldom find it convenient to leave their regular official duties and act as a Board of Inspectors of the Penitentiary.

The consequence is that the keepers are left to manage and treat the convicts as they please, without any superintending control. Under such a policy, it is fortunate for the convicts that their present keepers are humane, and have fed, clothed and treated them well. The time for which the present keepers contracted to take care of and manage the convicts, will expire with the 16th day of February next. It is recommended that a similar policy to that prescribed by the act of 10th January, 1853, of requiring the contractors for building the wall to keep the convicts for a certain time, be adopted in contracting for the construction of the work-shops and the warden or keeper's house. It would be well to have this subject acted upon as early as convenient, so that the contractor may, during the winter, obtain the large supply of provisions which will be required for the use of the convicts.

The State of Arkansas issued to the Real Estate Bank of the State of Arkansas, 1,530 of her bonds, each for $1,000, and bearing interest at the rate of six per cent. per annum. By the sale of these 1,530 bonds, the bank obtained her banking capital, amounting to one million five hundred and thirty thousand dollars.

By the provisions of the charter, the bank was bound to pay the interest and also to redeem the bonds. The stockholders, 180 in number, mortgaged to the State of Arkansas 141,980 acres of land, valued by commissioners under oath, at $2,603,932 32, as an indemnity to the State and the holders of these bonds, for the payment by the bank, of the interest and the redemption or payment of the bonds. It is represented that the bank paid the interest on these 1,530 bonds up to the first day of July, 1841, and that no interest has been paid by the bank since that day.

Under the act to establish the western branch of the Real Estate Bank, the State issued to that institution 500 more of her bonds, each for $1,000, bearing interest at the rate of six per cent. per annum; and the stockholders—100 in number—under this act, mortgaged to the State of Arkansas, 65,121 acres of land, valued by commissioners under oath, at $776,840 06, as an indemnity to the State and the holders of the bonds, for the payment by the bank of the interest, and also for the payment or redemption of these bonds when due. By the terms of the charter, these bonds could not be disposed of at less than par, but the bank, without authority and in violation of law, hypothecated them to the "North American Trust and Banking Company," of New York, on the 7th day of September, 1840, and only obtained upon the five hundred bonds, the sum of $122,389 77. These hypothecated bonds have never been returned to the State, but by the illegal acts of the bank, have been placed beyond her control.

On the 2d day of April, 1842, by a deed of assignment, the assets of the bank amounting, as stated, to $2,405,966 15, were placed in the hands of trustees. When the deed of assignment was made, besides the principal bank at Little Rock, there were four branches of the Real Estate Bank; one at Washington, one at Columbia; one at Helena, and the other at Van Buren. Before the assignment, the State, under the charter of the bank, had two directors at the principal bank and two directors at each of its branches, to guard and protect her interests. But by the deed of assignment, the State was deprived of her representation in the bank. Every officer or agent of the State was and has been excluded. The trustees of the Real Estate Bank and their two officers, the attorney and the cashier and secretary, have had control and management ever since the 2d of April, 1842, of the large fund of assets, stated at two millions four hundred and five thousand nine hundred and sixty-six dollars and fifteen cents, as well as the interest, which, from time to time, accumulated on the debts during this period of more than twelve years and a half. The notes of individuals to the bank drew interest at the rate of eight per cent., and under certain circumstances ten per cent. per annum. The State bonds sold by the bank bear interest at the rate of six per cent. per annum. The liabilities of the bank on the second day of April, 1842, were stated to be $2,230,986 59, being $174,979 56 less than the assets on that day stated to have been placed in the hands of the trustees under the deed of assignment.

The Executive has no official report or information from the bank, showing all its present liabilities and the amount of assets now remaining unexhausted. But it is believed, that if the true condition of the bank were known, the present liabilities would be near a million of dollars greater than they were on the 2d day of April, 1842. If this be so now, and if the trustees and officers received $174,979 56 more of assets than the bank owed on the 2d day of April, 1842, certainly the people of this State, and particularly the stockholders, who mortgaged lands to secure the State and bond-holders against loss, are deeply interested in having a full explanation and a true statement of the cause of this great deficiency. It seems to me that the interests, credit and honor of the State are too deeply involved, for any officer or legislator of the State to do any act which would tend to suppress or delay such action as is necessary to obtain a full and complete explanation, let the responsibility and accountability fall on whomsoever it may.

Not one of the 1,530 bonds sold by the bank, has been redeemed and surrendered to the authorities of the State. But by a statement of the cashier and secretary, shown in statement marked "O," in the Auditor's report, it appears that on the first of October, 1854, the trustees had in their hands 179 of these bonds, and that the interest on the bonds and coupons taken up, amounted to $143,160, leaving unpaid by the bank 1,351 bonds, upon which the interest unpaid by the bank amounted, on the first of October, 1854, to $1,073,190. But by information from the Treasury Department of the United States, it appears that the sum of $41,947 29, part of the funds which had accrued to this State from the 1st day of January, 1841, to the first day of January, 1853, on account of the 5 per cent. of the net proceeds of the sales of public lands within the State, and on account of the distributive share of the proceeds of the public lands, under the act of Congress of 4th September, 1841, had been retained at the United States Treasury, and applied before the 1st of October, 1854, towards interest due on 500 bonds of this State, which had been issued to the Real Estate Bank, and which are held by the Secretary of the Treasury in trust for the benefit of the Smithsonian Institute. Therefore the real amount of interest due on the 1st of October, 1854, on the 1,351 bonds not taken up by the bank, was $1,031,242 71, making, when added to the amount of the bonds, $2,382,242 71.

It also appears that the bank is indebted for $122,389 77, obtained on the 7th September, 1840, from the North American Trust and Banking Company, on the 500 bonds which the bank hypothecated, and for the interest on the money up to the 1st October, 1854, in the sum of $225,666 31, which added to the $2,382,242 71, makes a debt of $2,607,909 02, on account of the Real Estate Bank of the State of Arkansas on the 1st day of October, 1854. The bonds sold by this bank will not be due until the 26th day of October, 1861.

By bad management of the banks the faith and credit of the State have received a wound which has retarded her prosperity; but by judicious administration of our public affairs time will heal the wound again.

The State of Arkansas will never repudiate her just debts. She will honestly pay them all whenever she can command the means. When the bonds of the State were issued to the Real Estate Bank of the State of Arkansas, it was never intended that the people should be taxed to pay the bonds or the interest on them, but on the contrary, as required by law, the stockholders, (for security to the State and bondholders for the payment of the bonds and the interest on them) mortgaged to the State 207,101 acres of land, valued by commissioners, under oath, at $3,380,772 38. These lands embrace many of the best and most valuable plantations in the State. The State has not yet resorted to these mortgaged lands to raise money to pay the interest due on the bonds, and it is deemed safe policy to let them remain undisturbed until the large amount of assets placed in the hands of the trustees, under the deed of assignment, shall have been accounted for and every dollar which can be realized from the assets, sacredly applied towards paying the debts of the bank. After the assets shall have been accounted for and so applied, the balance of the debt could be ascertained and proper measures adopted to secure the honest payment of every dollar of it without resorting to taxation for that purpose.

The only security which the stockholders have to protect their mortgaged lands consists in the faithful application of the assets to the payment of the interest, and the redemption of the bonds. If the stockholders will unite their efforts with those of the State in seeking, by the suit now pending, to have the assets accounted for and faithfully applied towards the payment of the debts of the bank, as speedily and as far as practicable, the interests of both stockholders and State will be promoted.

If, however, the stockholders should seek to retard or prevent the State from having these assets accounted for and faithfully applied to the payment of the debts of the bank, it will devolve upon the General Assembly to determine whether the interests, credit and honor of the State shall any longer suffer without the enactment of a suitable law to authorize procedure upon the mortgages, without waiting to ascertain how far the assets will go towards paying the debts of the bank.

It is a matter of such great interest to the State that it is deemed proper to recommend that no legislation whatever be had whereby these mortgaged lands might, by any possibility, be released or the security to the State and bondholders in any manner jeopardized.

By the time the assets shall have been accounted for, the debts collected and the money arising therefrom paid, as far as it will go, towards extinguishing the debts of the bank, it is hoped that by the progress of our railroads and the increase of population of the State, the mortgaged lands will have become enhanced in value to such an extent, as not only to secure the State from all loss on account of the Real Estate Bank, but after paying every dollar of the balance of the debt, will yield to every stockholder a surplus equal to the present market value of his mortgaged land. It is therefore deemed the safest and best policy for all concerned that the assets be first accounted for, collected, and the money applied, as far as it will avail, towards paying the debts of the bank.

Should this policy be pursued, it is confidently believed that the whole debt may be paid without one dollar of loss to the State on account of the Real Estate Bank. Should the stockholders unfortunately suffer loss, they cannot blame the State, for by the deed of assignment, the whole assets of the bank were placed and have remained under the control and management of trustees and officers of their own choosing, and every officer or agent of the State was and has been excluded.

The State is anxious to protect the interests of the stockholders as well as her own. Although deprived of her representation in the bank, the State suffered the trustees to remain undisturbed in the execution of the trust until the General Assembly, at the last session, passed "an act directing the Attorney General to file a bill in chancery to divest the trustees of the Real Estate Bank of the assets of that institution," which act was approved 12th January, 1853. By section two of that act the Governor was "authorized to employ two efficient and eminent lawyers to aid the prosecution of said cause."

Under this authority, on the 20th day of January, 1853, eight days after the act was approved, two lawyers, Samuel H. Hempstead and Absalom Fowler, were appointed. The former resigned on the 22d, and the latter on 27th April, 1853, without doing anything in the cause. To fill the vacancies caused by these resignations, the Executive commissioned James M. Curran on the 10th, and James Yell on the 20th day of August, 1853.

Advised that the Attorney General had done nothing in the cause, on the 20th day of February, 1854, the Executive addressed a letter to James M. Curran, as one of the lawyers employed for the State, requesting him to prepare such a bill as was required to accomplish the objects of the law, in the most certain and expeditious manner, and to cause the same to be filed as early as practicable. On the 1st day of May, 1854, Mr. Curran, as one of the attorneys of the State, reported in writing that he himself had prepared and filed a bill in chancery to divest the trustees of the Real Estate Bank of the State of Arkansas of the assets of that institution, as requested by the Executive in his letter of the 20th February, 1854.

In the unbending integrity, legal ability and persevering application of James M. Curran in the prosecution of this suit, the Executive had the utmost confidence. After preparing and filing the bill in this, the most important suit ever instituted in Arkansas, and after doing all in his power to be in readiness to press the cause at the next December term of the court, his death, unfortunately for the State, on the 6th of October, 1854, closed his career. For his services in preparing the bill alone, (although he received a pecuniary consideration,) the people of the State owe to him, as a faithful, efficient and honest public servant, a debt of gratitude.

The Executive has caused the bill to be printed. Copies will be laid before you so that you may be fully apprised of the objects and great importance of having this suit vigorously and speedily pressed by the State to a conclusion; and with that view may provide and place, at the discretionary disposal of the Executive, means and power amply sufficient to enable him to have the law executed, by having this suit properly attended to and prosecuted.

By the bill it will be seen that it is the object of the State not only to protect her own interests, but those of all of the beneficiaries under the deed of assignment. The State in this bill seeks to require that the "defendants may set forth and exhibit an account of their acts and doings with the assets and property of said trust, and account for all moneys received by them, and show of whom and when received, and make an exhibit of all debts due to said bank at the time of said assignment, and show how each debt has been discharged, and if not discharged the reason thereof;" "and that said residuary trustees and their said officers and agents be required to produce in court here, with their answers, all books, papers, records, deeds, bonds, bills, notes or other documents in their possession or under their control, belonging to, or having relation to, or in any manner connected with the said trust or trust property;" "and that said residuary trustees and their attorney and officers and agents be removed from being such trustees and officers under said deed, and be required to surrender all the assets remaining in their hands or in the hands of their officers, including all notes, bills, bonds and choses in action, land and all property of every description, and all papers, books, conveyances, title papers and documents, belonging to, or in any manner connected with said trust, and that the same be placed in the hands of a proper trustee or receiver to be appointed by this court for that purpose, and that the trust be executed and said fund administered in this court; and that all of the debts due to said bank or said trust may be collected, and the lands and other property be sold and converted into money, and be brought into court here to be distributed, and that said trust may be executed and closed in the speediest manner possible; and that said trustees and their officers, and the said representatives of such of them as are dead, account for, be charged with and compelled to refund and pay into court all moneys or assets received by said officers and trustees respectively, and the amount of all debts lost by or through their neglect or fault; and that an account be taken in respect of the matters aforesaid; and that all the said real estate, bonds and coupons in the hands of said trustees be cancelled and delivered to the State Treasurer.

"And that a suitable person be appointed trustee or receiver, with full power and authority to execute and close the said trust.

"And that all such orders may be made and writs issued and directions given, from time to time, as may be required to obtain and enforce the relief hereby sought.

"And that an injunction may be issued inhibiting said trustees and their agents and officers from receiving any moneys or debts due said trust, or in any manner intermeddling with the same."

This extract from the bill will afford some information of the objects of the suit.

If those who have had control of the assets more than twelve years and a half, have acted correctly, it is certainly no great hardship to require them to render an account. If, however, on the contrary, they have violated their trust and caused loss to the creditors, the State and the stockholders, is it not right that they should be held to account, so that the amount of loss may be ascertained as well as by whose fault? It would seem far better to require this to be done, even should the State, through sympathy for such as may have rendered themselves liable without design to do wrong, afterwards relieve them by special enactment.

The Executive is fully aware, from the history of the past, that a public officer can seldom or never faithfully perform his duties to the public, against those controlling and having in charge millions of assets of a bank, without encountering through them and the presses and individuals under their influence and control, all manner of opposition and often vindictive hostility and abuse. The Executive is also aware that the opposition, springing from such a source, is active and untiring, and that it may often be the foundation, whilst other pretexts are given for hostility to measures, the best and most salutary for the public good, should it be thought that their adoption and establishment would yield any credit to the existing administration. Notwithstanding all this, if the people of the State do not ultimately obtain full and correct information of the condition of the bank by means of the suit now pending, it will not be the fault of the Executive.

To the General Assembly the Executive appeals for the necessary discretionary power and means to enable him to have this suit faithfully and vigorously prosecuted, so that the laws on the subject may be effectively executed. Then the true condition of the bank will be known, the interests of the State and stockholders looked well to, and the mysteries, which for so long have hung around the institution, will be unveiled, and it is to be hoped that the day will never again come when the Executive of the State, in his message to the General Assembly, will be compelled to compare an institution like this, involving the interests, credit and honor of the State in millions of dollars, to a "sealed book," so far as its transactions are known to the authorities of the State or to the people.

George A. Gallagher has been appointed as one of the lawyers of the State in this suit, to fill the vacancy caused by the death of James M. Curran.

The whole number of bonds of the State sold by the bank of the State of Arkansas, was 1,169, each for $1,000. One thousand of these are six per cent., and 169, five per cent. bonds. Ninety-eight of the six per cent. and 132 of the five per cent. bonds were redeemed, cancelled and filed with the State Treasurer before the 1st Oct., 1854, leaving on that day unredeemed 37 five per cent. and 902 six per cent. bonds, upon which the interest, unpaid *by the bank*, on the 1st Oct., 1854, amounted to $718,553, as shown by table N of the Auditor's report. But by information from the Treasury Department of the United States, it appears that the sum of $4,887 99 of funds which had accrued to this State from the first day of January, 1841, to the 1st day of January, 1853, as explained in my message of the 27th November, 1852, had been retained and applied at the United States Treasury towards interest on such of these bonds as are held by the United States. Therefore the whole amount of interest due on the unredeemed bonds sold by the bank of the State of Arkansas, amounted to $713,665 01 on the 1st day of October, 1854, and the principal to $939,000, making together a debt of $1,652,665 01, on account of the Bank of the State of Arkansas. The six per cent. bonds will not be due till the 1st day of January, 1868, and the five per cent. bonds will not be due before the 1st day of January, 1887.

The office of Financial Receiver of the Bank of the State of Arkansas, became vacant on the 31st of August, 1854, by the death of John M. Ross. To fill this vacancy, the Executive, on the 4th day of September, 1854, appointed Peter T. Crutchfield. He has made a report dated October 31st, 1854, and to it and the suggestions therein made, your attention is respectfully invited. It will be seen that he did not obtain official charge of the books, papers and assets of the bank until the 17th of last month, and that in so short a time he could not make that thorough examination necessary to a full knowledge of the affairs and condition of the institution. After such investigation, he states that he will render a supplemental report of the assets of the bank.

When made, that report will also be laid before you.

The Receiver's present report shows that the Bank of the State of Arkansas holds 313 six per cent. bonds of this State, which were issued to, and for which, the Real Estate Bank of the State of Arkansas is liable, amounting to $313,000, upon which the interest due on the 31st October, 1854, was 132,935 13; and likewise holds 73 coupons detached from Real Estate Bank bonds, amounting to $2,190 and also holds notes of the Real Estate Bank, amounting to $385. These several amounts added make the sum of four hundred and forty-eight thousand, five hundred and ten dollars and thirteen cents, due on the 31st October, 1854, from the Real Estate Bank of the State of Arkansas to the Bank of the State of Arkansas.

The policy of exchanging coupons due upon Real Estate Bank bonds, held by the State Bank, for bonds of the State is a good one for the interests of the State Bank as well as for those of the State. When bonds issued to the State Bank are obtained, they are cancelled and filed with the State Treasurer; and when bonds issued to the Real Estate Bank are received by the State Bank, they remain drawing interest from the Real Estate Bank at the rate of six per cent. per annum, when upon the coupons, given in exchange for such bonds, the Real Estate Bank would allow no interest whatever. The policy is one by which the debt of the State is taken up to the extent of the exchange, and by which the State Bank in a legitimate way gets compound interest from the Real Estate Bank, which will add to the means to be used in redeeming bonds of the State, issued to the State Bank.

It will be seen by the report of the Receiver of the State Bank, that he has succeeded in exchanging 2,317 coupons, each for $30, which were due on Real Estate Bank bonds held by the State Bank, and also 50 dollars in Real Estate Bank notes, amounting together to $69,510, for which he obtained, cancelled and filed with the State Treasurer, as required by law, twelve five per cent bonds of this State, issued to the State Bank, amounting, with the interest due thereon, when redeemed, to $19,681 56, and also forty-nine six per cent. bonds of this State, issued to the Real Estate Bank, amounting, with the interest due on them at the dates of exchange, to the sum of $49,880 98, making the whole amount in State bonds and interest on them obtained in exchange for coupons of Real Estate Bank bonds and the Real Estate Bank notes, $69,562 54, being $2 54 more than the $69,560 00 given in exchange.

The State Bank has also received in payment of debts, two six per cent. bonds of this State, issued to the State Bank, not cancelled and filed with the State Treasurer before the 1st of October, 1854, which bonds, with the interest due on them when redeemed, amounted to $3,562 32, which sum added to the amount of the twelve five per cent. State bonds and the interest on them redeemed with coupons of the Real Estate Bank bonds, and cancelled and filed with the State Treasurer since the 1st October, 1854, makes $23,243 88, and shows that the State Bank has considerably reduced the amount of the debt of the State on account of the State Bank, which was estimated to be, on the 1st of October, 1854, $1,652,665 01. To subtract from this the $23,243 88 for State Bank bonds redeemed, and $448,510 13 for the amount due from the Real Estate Bank to the State Bank, would leave $1,180,911, to meet which, the remaining assets of the bank, including lands and town lots which have been taken by the bank in payment of debts and the conveyances therefor taken to the State are liable. It is impossible now to state how far the proceeds of the assets and of the lands and town lots will go towards extinguishing this debt. But after collecting and applying all that can by good management be derived from these sources, we can then ascertain the balance of the debt and adopt suitable measures for paying every dollar of it without oppressing the people. It is believed that the assets of the Real Estate Bank, if properly accounted for, collected and applied, together with the proceeds of the lands mortgaged by stockholders to the State, as security against loss, will, if prudently managed, extinguish every dollar of the State's liability on account of the Real Estate Bank. Then the only debt of the State on account of the banks which will remain without adequate means to pay it, will be the balance of the debt of the State Bank, which it is believed, will be less than one million of dollars. The State owes no other debts but small ones, which, by the 15th of May, 1855, can all be paid from the ordinary revenue in the State Treasury, in gold and silver; and after their payment, an abundant amount of the same kind of funds will remain in the Treasury to defray all the necessary and ordinary expenses of the State.

Although, by the bad management of the banks, the faith and honor of the State of Arkansas have been tarnished, time, with a prudent administration of our government, will in a short period, restore them to their original brightness and lustre. Then patriotic citizens will point to the past history of evils, brought upon the State by the banks, and the people will be warned from a policy which would again bring upon themselves loss, and upon the credit of the State dishonor.

The Secretary of the Treasury of the United States, in his report of December 6th, 1853, shows that the entire gold and silver coinage at the mint of the United States, from its establishment in 1792, including the coinage of the branch mints, from the commencement of their operations in 1838, to October 31, 1853, amounted to three hundred and seventy millions, eight thousand one hundred and ninety-two dollars and fifty cents; and he states that the table exhibiting the operations of the mint shows, "the gold coinage, from the 1st of January to the 31st of October, of the year 1853, to have been $46,998,945 60, and the silver coinage $6,996,225, and proves an active and growing demand for gold and silver, as a currency for actual use; whilst the imports of gold and silver, including what is brought to the Atlantic from California, without estimating for that brought in by emigrants compared with the exports of gold and silver, prove that, within four years, the large amount of $135,972,095 73 has been added to the gold and silver coin remaining in the country." He further very justly states that, "should this increase continue for but a short term of years, this country will be able to dispense with banks of issue, and their attendant evils, and have the gold and silver currency contemplated by the constitution."

Notwithstanding this great amount of gold and silver added to the currency of the country, here in Arkansas where we have, by a constitutional amendment, prohibited the establishment of banks, and, by law, forbidden our corporations and citizens, under heavy penalties, from issuing and placing in circulation, change tickets or other of their paper pretexts for a currency, for the want of proper laws to prohibit their circulation, the State is being flooded with small bills of denominations less than five dollars, emitted by corporations beyond its limits, or by counterfeiters; but whether by the one or the other, tending to the same results of cheating the people, and driving from the State its gold and silver currency. To remedy these great evils, it is recommended that a law be enacted that will effectively suppress and prevent the circulation, in this State of any bill of less denomination than five dollars; and at some future day, any bill of a less denomination than ten dollars.

Such a policy would bring into this State gold and silver, and greatly benefit our citizens. It would be equivalent to causing an exchange from their hands of paper, depreciated and of doubtful value, for an equal amount in the constitutional currency of gold and silver.

The duty of arranging the senatorial districts, and apportioning representatives to the several counties, by provision of the constiution, devolves on the General Assembly, at the present session. Your attention is therefore invited to the abstract of the census of this State, showing the population of the several counties on the 1st day of January, 1854, as enumerated by the sheriffs. From Scott and Polk counties there are no census returns. The aggregate population of the other fifty-two counties is, 248,117 souls; of which 99,926 are free white males; 87,298 free white females; 59,279 slaves, and 614 free persons of color. This abstract also shows that the lands cultivated, for the year 1853, were 256,666½ acres in cotton, and the production 160,779 bales of cotton; and 600,513½ acres in grain, and the production 11,536,969 bushels of corn, 332,535 bushels of wheat, and 1,040,206 bushels of oats. By table H, in the Auditor's report, it will be seen that there were no returns of tax books, for the year 1854, from the counties of Arkansas, Fulton, Lawrence, Monroe, and Polk; but that in the other forty-nine counties, there are taxed, besides other property, 198 saw-mills, 84 tan-yards, 35 distilleries, 49,243 horses, 11,894 mules, 554 jacks and jennies, and 161,902 neat cattle, and also $16,220 of capital invested in manufactories.

The total value of property taxed for the year 1854, in these forty-nine counties, is shown by the table to be $55,377,384; and by table G, in the same report, it will be seen that in the five counties from which there are no returns for 1854, besides other property, there were taxed for the year 1853, five saw-mills, eight tan-yards, six distilleries, 4,031 horses, 671 mules, 67 jacks and jennies, 13,609 neat cattle, and $580 capital in manufactories; and that the whole value of property taxed, for the year 1853, in these five counties, was $3,259,804. Therefore, without allowing anything for the increase of property in these five counties, since the year 1853, the total value of taxable property in the State, for the year 1854, is $58,636,188. The whole value of taxable property in the State, for the year 1852, is stated in table J, of the Auditor's report, at $42,900,080, which subtracted from the value of property taxed for the year 1854, shows that, in the last two years, there has been an increase of $15,736,108 to the taxable property of this State.

From the abstract of the census, the facts stated and other information, it is gratifying to know that our State is rapidly increasing in population and wealth.

The Executive ascertained that the last return which had been made to the Adjutant General of the Army of the United States, showing the number of the militia of the State of Arkansas, was that for the year 1843, when the militia amounted to 17,137, and that upon this number the annual apportionments of arms to this State, under the act of Congress for arming the militia, had, since the year 1843, been made. Therefore the Executive caused the Adjutant General of the Militia of the State of Arkansas to make to the Adjutant General of the Army of the United States the necessary report for the year 1854, and it will be seen by his report to the Governor, that our militia now amounts to 36,054. This State will be entitled, under future apportionments, to more than double the number of arms allowed her upon the return of 1843.

As the State has made no provision, by law, for safely keeping and preserving in good order, arms furnished by the United States, your attention is called to the subject, and also to the consideration of the propriety of prescribing, by law, when and upon what conditions, the Governor may furnish organized companies of malitia with such arms. There is public necessity for such laws.

Under the provisions of the act of Congress, approved September 28th, 1850, it appears that the Surveyor General has recommended for confirmation, to this State, 8,464,943.15 acres as swamp and overflowed lands; and that in addition to this amount 577,775.60 acres, reported to him by the commissioners, as swamp and overflowed lands were rejected by him, and additional proof required to establish to his satisfaction that the lands should be confirmed to the State. As the Surveyor General has no account in his office of the lands sold or otherwise disposed of by the United States, before the passage of the swamp land act, many lands of this character are embraced in the 8,464,943.15 acres recommended by him for confirmation to the State, and must be deducted, and only the remainder confirmed to the State by the Secretary of the Interior.

Before the 1st of October, 1854, the Secretary of the Interior confirmed to the State of Arkansas, and caused to be certified to the Governor, 5,567,051.81 acres of swamp and overflowed lands, which had been selected in nine hundred and eighty-six townships, as will be seen by statement No. 1 of the Auditor's report.

From statements numbered 2, 4 and 5 in the Auditor's report, it appears that the total number of acres of swamp and overflowed lands, reported to his office as sold by the old and the new Boards of Swamp Land Commissioners, and by the land agents, amounts to 1,504,225.34 acres. By the report of the State Treasurer, it appears that the whole amount of swamp land scrip issued by him, before the 1st of October, 1854, was $913,191 10.

From the best information the Executive has been able to obtain, although it is not yet officially authenticated, the whole amount of swamp land scrip issued by the old Board of Swamp Land Commissioners, was $370,760.

This amount, added to that issued by the Treasurer, shows the entire amount of swamp land scrip issued before the 1st of October, 1854, to be $1,283,951 10.

By the Treasurer's report, it appears that the whole amount of swamp land scrip paid into the State Treasury, before the 1st day of October, 1854, and so redeemed, was $420,350 93. By statement No. 2, in the Auditor's report, it will be seen that the old Board of Swamp Land Commissioners reported that they had received swamp land scrip, for lands sold by them, amounting to 186,892.40 and also $25 28 in cash; but no part of which scrip or cash has been paid into the State Treasury.

It is said that this scrip and money, received by the old Board of Swamp Land Commissioners, still remain where the commissioners left the same, in the swamp land office, at Helena; but the Executive has no official information of that fact. A law ought to be enacted, as was recommended in my message of 27th November, 1852, that would cause the payment of this scrip and money into the State Treasury.

The amount of swamp land scrip received by the old Board of Commissioners, added to that paid into the State Treasury, shows that the entire amount redeemed before the 1st of October, 1854, was $607,243 33. This amount, subtracted from the $1,283,951 10 issued, would leave swamp land scrip unredeemed, on the 1st of October, 1854, amounting to $676,707 77.

To satisfy this amount of scrip would require 1,353,415.54 acres of swamp land of the second class, (at the established price of fifty cents an acre), which number of acres added to the 1,504,225.34 acres sold, would show the aggregate of the solid, and what may be termed appropriated swamp lands, to be 2,857,640.88 acres; which deducted from the 5,567,051.81 acres confirmed to the State by the Secretary of the Interior, and certified to the Governor, before the 1st of October, 1854, will leave 2,709,400.93 acres of land more than will be required to satisfy all of the unredeemed swamp land scrip issued before the 1st of October, 1854.

The Executive deems it safe to estimate that the State is entitled to, and will obtain in all, at least eight millions of acres of land under this act of Congress.

It appears that for 3,940,327.26 cubic yards of levee, received by the swamp land commissioners, during the last two years, they granted certificates upon the Auditor, for payment, amounting in all to $783,156 13; and for 123,013.26 cubic yards of ditching and draining, received by them, granted certificates in payment for the work upon the Auditor, amounting to $29,468 98; and that to pay for officers' salaries, locating swamp and overflowed lands, services of sub-commissioners and office expenses, granted certificates for payment upon the Auditor, amounting in the aggregate to $32,547 39; and also that for allowances made, but not paid, by the old Board of Commissioners, and for balances found to be due to individuals, on examination of their accounts, and to enable persons to get scrip in lieu of that paid by them in excess on entries of swamp and overflowed lands, or paid on illegal entries, including those where two entries were found to conflict, the new Board of Swamp Land Commissioners granted certificates upon the Auditor, for payment, amounting in the aggregate to $99,390 78.

This information of the action of the new Board of Swamp Land Commissioners has been gathered from papers, not officially authenticated, but which were no doubt intended to be parts of the report of the commissioners. Lambert J. Reardon was one of the swamp land commissioners, and the other two seemed to have confided in him to make the report; but before completing it, unfortunately for the State, on the 24th of October, 1854, he expired. To fill the vacancy that so happened, during the recess of the General Assembly, the Governor appointed John Hutt Swamp Land Commissioner. The other two commissioners not being at the seat of government, the newly appointed one will have to await their arrival, to enable them to act with him in making the report.

When made, the Executive will communite it to you.

It is stated that "the Board of Commissioners have caused to be levied and secured from overflow, almost the entire portion of the State fronting on the Mississippi river, and a large portion of the Arkansas river, and considerable portions elsewhere in the State."

There is no doubt but much good has been effected by the levees constructed; and whilst it is a public duty to have suitable laws to prevent the fund from being wasted and squandered, yet at the same time the great work of levying our rivers, draining our swamps, and reclaiming and rendering the lands fit for cultivation and habitation, should in no wise be impeded, but should be pressed forward to completion. We should at the same time look to the future, and set apart and invest a portion of these lands in such a manner as to yield perpetually a swamp land fund, to be used for the purposes, to accomplish which the lands were granted, and in repairing the levees that have been, as well as such as shall be made; and thus preserve what has and will cost the State millions of dollars, from ultimate, certain and total destruction.

The first Board of Swamp Land Commissioners not being provided with plats, showing the areas of swamp and overflowed lands, and not knowing what lands would be confirmed to the State, were doubtless led into errors in selling such lands—some by improper estimates of the areas, and others by the disposition of lands, as swamp and overflowed, which have not been and may never be confirmed to the State as such. It is recommended that provision be made by law, for all persons holding certificates for swamp and overflowed lands, disposed of by the first Board of Commissioners, to present them for examination and adjustment to the State land agents of the proper districts, so that errors may be corrected, the proper amount paid upon each tract, the lands registered in their books by the land agents, and patent certificates given by the land agents, in lieu of the informal certificates surrendered, in all cases where the lands have been confirmed to the State, and the proper number of acres paid for.

Provision should also be made for the land agents upon proper hearing of parties, holding conflicting claims to swamp and overflowed lands, disposed of by authority of the swamp land commissioners, to adjust and settle such conflicts as far as possible, so that all persons legally and justly entitled to pre-emptions to such lands, may be secured in their rights.

To secure the rights of the State in the south-east quarter of section three, in township one north, in range twelve west, embracing a portion of the south-west part of the city of Little Rock, the Executive employed Albert Pike, as attorney for the State, to bring a suit against such of the adverse claimants as had not been adjudged to have valid claims to any part of the tract. A pre-emptor obtained a decision of the Supreme Court of the United States, that he was entitled to eighty acres of this quarter section. The attorney employed for the State is the same one who successfully conducted the suit for the pre-emptor, and he concurs in opinion with the Executive that the State is entitled to and can recover the remaining eighty acres of the quarter section. The suit of the State has been commenced and ought to be vigorously prosecuted, so that the titles to the valuable property involved may be settled as early as practicable. The attorney employed for the State has agreed with the Executive to receive such compensation, for his services in the cause, as the General Assembly may allow him, and to resort to no other mode of obtaining what he might think himself entitled to.

This claim of the State originated under an act of Congress, granting 1,000 acres of land to the late Territory of Arkansas, to build a jail and court-house at Little Rock. It therefore seemed time that the rights of the State, involved in this matter, should be attended to, and proceedings instituted to secure them, without further neglect. For such reasons the Executive has had the suit commenced; and it is recommended that means, adequate to the effective prosecution of the same, be appropriated; and that provision be made for paying, from time to time, suitable compensation to the attorney, so that he may be enabled to give his strict attention to the suit, during its progress; and, when determined, receive full payment. The great value of the property induces the Executive to make these recommendations. For the want of proper attention to such matters, the State has already often suffered loss. It is hoped in this suit such will not be the result.

The case of Robinson Lytle and others against the State of Arkansas and others, is still pending in court. The property in litigation includes the eastern part of the city of Little Rock, fronting on the Arkansas river. The Governor of the late Territory as authorized by law, had the tract of land now in dispute laid off into lots, and then he sold and conveyed them by deeds to the individual purchasers. The property is very valuable, and the State is deeply interested in successfully defending the suit. By my predecessor in office, Samuel H. Hempstead was retained as attorney for the State, in this important suit. He has been strictly attending to it for several years, without any compensation whatever. He is entitled to compensation from the State, and it is recommended that provision, by law, be made for his past services, and for allowing to him, from time to time, suitable remuneration, as the suit progresses; and when finally determined, full payment.

It is a source of pleasure to witness the fact, that good schools for educating the rising generation have been, and are, being established, by individual enterprise, in almost every section of the State. True, many of them have been incorporated; but not one of these has derived any pecuniary aid from the State. Notwithstanding this, many prosperous seminaries and colleges are sustained, in different sections of the State, by the private patronage of an enlightened public. The Arkansas College, at Fayetteville, is one of these incorporated institutions, and seems to have succeeded in establishing a wide-spread reputation as a good institution, conducted by a president and professors of ability and learning, which facts have caused it to be well patronized by our citizens, and drawn to it many male students from other States. Honorable mention might be made of other institutions of learning in the State; and if we had the means, the State should contribute "by allowing rewards and immunities" to all of them, so as to "encourage intellectual, scientific, and agricultural improvement," and aid in inculcating "the principles of humanity, industry and morality," and also in "the promotion of arts, science, commerce, manufactories and natural history."

These are objects worthy of consideration. "The opportunities and advantages of education" should be diffused "through the various parts of the State," so that the rising generation may be benefited by the inculcation of the "principles of humanity, industry and morality," and by the acquisition of knowledge and learning be prepared for the preservation of a free government.

We have a common school law, intended as a system of establishing common schools in all parts of the State; but for the want of adequate means, there are very few in operation under this law. In view of the great importance of the subject, and to enable the people, in counties in which there are no public schools, to establish such, and have them, as far as the means will allow, free for the children of all, I recommend for your consideration the propriety of authorizing, by law, the County Court of any county in the State, which may choose to do so, to appropriate, annually, the poll-tax for the benefit of education, in the way indicated. This, with the seminary and saline funds, distributed to the counties, added to the proceeds of the sales of sixteenth sections and other school funds, would insure to every county that would adopt the policy suggested, some free schools, at which many children might receive sufficient education to qualify them for being good and useful citizens.

On the subject of roads and highways, your attention is respectfully invited to the policy recommended in my message of 27th November, 1852. At nearly every session of the General Assembly a new law has been passed on this subject. No system heretofore adopted seems to have worked well, for nearly all of our roads and highways are very often, if not all the time, in bad condition. It is believed the policy to which reference is made, if adopted by law, would insure the good results sought by so many other systems, but never attained.

Your attention and consideration are invited to the provisions of the act of Congress, approved February 9th, 1853, "granting the right of way and making a grant of land to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point on the Mississippi, opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary, near Fulton, in Arkansas, with branches to Fort Smith and the Mississippi river."

On the 13th day of April, 1853, a company was formed, made application to and was accepted by the Governor, and organized under an act to incorporate the "Cairo and Fulton Railroad Company," approved 12th January, 1853.

It is gratifying to inform you that the policy adopted by the General Assembly, at the last session, of granting acts of incorporation and leaving to individual enterprise the surveying of routes for railroads, without any expense to the State, has worked well. Four railroad companies have caused to be surved by skillful engineers, of experience and ability, as many different routes for railroads; and for the information of the Executive and the General Assembly, have furnished the very satisfactory reports of the chief engineers and other papers connected with the subject, to the Governor; and he invites your consideration to these documents, as affording reliable information essential to your proper action on the subject of the Cairo and Fulton Railroad and branches.

In Missouri there is a company called the "Cairo and Fulton Railroad Company in Missouri," which is acting in concert and harmony with the Cairo and Fulton Railroad Company, of the State of Arkansas. The Chief Engineer of the Arkansas company is also chief engineer of the Missouri company, and after completing the survey of that part of the road in this State, has proceeded with his corps of assistants to Missouri, to extend the survey of the route for the Cairo and Fulton Railroad, from the northern boundary of this State, to the point in Missouri opposite the mouth of the Ohio river, designated by the act of Congress.

Your consideration is requested to the facts that the survey of that part of the route for the Cairo and Fulton Railroad, in this State, was completed on the 25th of September, 1854, and that the act of Congress requires that a copy of the survey of said road, "shall be forwarded to the proper local land offices, respectively, and to the general land office, at Washington City, *within ninety days* after the completion of the same."

By the communication of the chief engineer, dated October 13th, 1854, addressed to the president of the Cairo and Fulton Railroad Company, you will see that the necessary copies of the survey have been prepared in accordance with the instructions of the Commissioner of the general land office, and are now ready to be forwarded to the proper local land offices, respectively, and to the general land office, as required by law.

That this may be done, the granted lands selected, and the public lands along the line of the road restored to market, so that actual settlers may acquire them, it is recommended that the survey of the road, as made and adopted, be confirmed by an act or joint resolution of the General Assembly, in time to have a copy of the survey filed in the general land office and the proper local land offices, respectively, before the 25th day of next month. To do this, prompt action is necessary, and therefore recommended. If the survey be adopted at an early day, as recommended, it is possible that all the lands granted to aid in building the road, may be selected and the number of acres included in the grant, be ascertained, and reported to the General Assembly, before the adjournment of the present session.

We ought to look well to securing the lands as speedily as possible, before the reservation expires. The Executive earnestly desires the early constsuction of all our railroads.

To secure and invest part of the swamp lands, and in such a way as to have a perpetual swamp land fund, yielding dividends to be used and applied to the objects for which the lands were donated, and in repairing and keeping up levees, it is recommended that suitable provision be made, by law, for investing in the way of stock, in the Cairo and Fulton Railroad Company, for the benefit of the swamp land fund, one million of acres of swamp and overflowed lands. This amount of such land added to that granted by Congress to aid in building the Cairo and Fulton Railroad, would afford a basis for credit, upon which means, it is believed, could be obtained to insure the speedy and certain construction of the road. For the purpose of having the branches of the Cairo and Fulton Railroad from Little Rock, one to Fort Smith, and the other to the Mississippi river, constructed without failure—at an early day—it is recommended that one million of acres of swamp and overflowed lands be appropriated in the way of stock, 500,000 acres in each branch road, for the benefit of the swamp land fund. It is also recommended that five hundred thousand acres of such lands be appropriated in taking stock in the Mississippi, Ouachita ond Red River Railroad Company, for the benefit of the swamp land fund, so that that important railroad may also be completed as early as practicable.

In making arrangements to carry out these suggestions, should they meet your approbation, great care should be taken not to render the State, under any contingency, or in any manner liable. For the purpose of securing a permanent and perpetual swamp land fund, from the dividends of which, levees might, through future time, be kept in repair and preserved from destruction, it is not too soon to set apart and invest 2,500,000 acres of the swamp and overflowed lands. If we defer so doing till they are squandered, we will then have no fund to keep up the levees, and what cost the State millions of dollars, will vanish, and scarcely an embankment of earth, built at the expense of this magnificent grant of lands, will remain to remind those who see it, that there ever had been such a grant, and that, by our improvidence, for the future, we had suffered all the benefits of it to be lost. By this policy we will save part of the swamp lands for a future fund, secure the lands granted by Congress to aid in building the Cairo and Fulton Railroad and branches, and, it is believed, without doubt or a possibility of failure, if properly managed, secure the speedy and certain construction of the road and both of its branches, and also cause the completion of the

Mississippi, Ouachita and Red River Railroad, at an early day.

These objects can be accomplished without involving the State in debt, or imposing any burden upon the people, or violating the provisions and conditions of the act of Congress, granting the swamp nd overflowed lands to the State.

The terminus of the branch of the Cairo and Fulton Railroad from Little Rock to the Mississippi river, must be fixed by your authority, before the lands granted can be selected on that branch of the road. In designating that point, I have confidence that your action will be wise and patriotic, and that it will prove your devotion to the interests, present and future, of our own State and its citizens.

In providing for the disposition of the lands granted by Congress to aid in building the road and its branches, your own prudence, intelligence and love of justice will doubtless cause you to respect and protect the rights of the people, the counties and the State.

From the Governor of the State of Mississippi, the Executive of this State has received and herewith transmits for your consideration and attention, joint resolutions of the legislature of the State of Mississippi on the subject of railroads, and approved by the Governor of that State on the 2d March, 1854. One of these resolutions requests the State of Arkansas "to meet the State of Mississippi at Helena with her central trunk line railroad running east and west."

The executive has been notified by the superintendent of weights and measures of the United States, that a set of balances, intended for the adjustment of standard weights and capacity measures due to this State, under an act of Congress, has for some time been ready for delivery. It is recommended that a suitable law on the subject of standard weights and measures be enacted, so that they may be placed in charge of some proper person and only used under his direction, for the adjustment or verification of county or other standards. It is also recommended that provision be made for regulating the weights and measures throughout the State by these standards.

The Executive has received from the Secretary of State of the United States, a copy of the Consular Convention between the United States and France, of the 23d February, 1853, in the second and third paragraphs of the seventh article of which, it is provided that, "As to the States of the Union, by whose existing laws aliens are not permitted to hold real estate, the President engages to recommend to them the passage of such laws as may be necessary for the purpose of conferring this right."

"In like manner, but with the reservation of the ulterior right of establishing reciprocity in regard to possession and inheritance, the government of France accords to the citizens of the United States the same rights within its territory in respect to real and personal property, and to inheritance, as are enjoyed there by its own citizens."

In compliance with the stipulation in the treaty the President recommends the passage of the necessary law.

Senator Borland having received the appointment of Minister Plenipotentiary of the United States for Central America, a vacancy in the representation of this State in the Senate of the Congress of the United States was caused; and to fill that vacancy the Executive appointed Robert W. Johnson, on the sixth day of July, 1853, until the meeting of the General Assembly.

The duty of electing a Senator for the unexpired term for which Solon Borland was elected, as well as a Senator for the next six years thereafter, devolves upon the General Assembly at its present session. That the State may have her full representation in the Senate at the commencement of the next session of Congress on the first Monday of next month, it is recommended that a Senator be elected at an early day.

Although the productions of the earth this year have not been so abundant in our State as usual, we have grent cause to be thankful to Almighty God that He has protected us from all kinds of pestilence, and caused unusual good health generally to prevail, and the earth to yield a sufficiency for our sustenance, support and comfort.

Having the fullest confidence in your wisdom, integrity and patriotism, in common with our constituents, I look forward for the results of your session to bring honor and prosperity upon the State; and I shall be a faithful co-worker in seeking to effect these objects.

ELIAS N. CONWAY.

Executive Office,
Little Rock, Ark's.,
7th November, 1854.

The message having been read, the Senate retired from the Hall of the House of Representatives.

Mr. Austell offered the following resolution:

Resolved, That the clerk of the House procure, as soon as practicable, the printing of three hundred copies of the Governor's message, together with the accompanying documents, and two thousand without them for the use of the House, and that the printer be paid at the same rates that are paid for executing the public printing, under contract hereafter to be entered into.

Mr. Redmond moved to amend said resolution by inserting "one thousand" in lieu of "two thousand," but before the House took any action on the resolution or amendment, on motion of Mr. Wood, the House adjourned until to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

WEDNESDAY, *Nov.* 8*th*, 1854.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

On motion of Mr. Wood, the reading of the Governor's message was dispensed with.

Mr. Redmond was called to the chair.

Mr. Powel offered the following resolution:

Resolved, That the Hon. George D. Prentice, editor of the Louisville Journal, be invited to take a seat within the bar of the House, for the purpose of taking minutes of the proceedings, or otherwise, as he may think proper, when in open session.

Which was adopted.

Mr. Tuley offered the following resolution:

Resolved, That this House meet regularly hereafter at 10 o'clock, A. M.

Which, on motion of Mr. Wood, was laid on the table.

Mr. Whinery presented the petition of Elizabeth Morgan, praying, among other things, that the Legislature pass an act authorizing her to execute deed or deeds of conveyance to certain town lots in the State of Illinois.

Mr. Puryear offered the following resolution:

Resolved, That a committee on mileage be appointed, to consist of five members, whose duty it shall be to ascertain the distance from the seat of justice in each county in this State, upon the most direct and usually traveled route to Little Rock, and that they report at as early a day as practicable; and further that each member of this House, in making out his account for mileage, be governed by the distance reported by said committee.

Which was adopted, and Messrs. Puryear, Burgess, Hockersmith, Leslie, and Pettigrew, appointed as such committee.

Mr. Logan offered the following resolution:

Resolved, That the Secretary of State be requested to procure and furnish four of Langtree's Maps, for the information of this House.

Which was adopted.

Mr. Gordon gave notice that he would, on some day next week, introduce a bill for the relief of Thomas F. Wilson, administrator of the estate of W. O. Wilson, deceased, of Conway county.

Mr. Wood gave notice that he would on Monday next, introduce a bill to reduce the salaries of the Supreme and Circuit Court Judges, and of the State's Attorneys and Sheriffs.

Mr. Norsworthy gave notice that he would, on Monday next, or some convenient day next week, introduce a bill to amend the law of attachment, and also a bill to amend the administration laws.

Mr. Bruton gave notice that he would, on some convenient day, introduce a bill for the better arranging the revenue law, and placing the assessment in the hands of a justice of the peace in each township.

Mr. Jones, of Desha, offered the following resolution:

Resolved, That the committee appointed to draft rules for the government of the House during its present session, be instructed to act in concert with a committee on the part of the Senate "to prepare rules for the government of both houses jointly."

Which was adopted.

Mr. Nunn offered the following resolution:

Resolved, That the House do now procced to the election of a chaplain.

Which was adopted.

Whereupon the chair annunced that nominations for chaplain were in order.

Mr. Puryear nominated the Rev. W. H. Gillam.
" Smithson " " F. Garrett.
" Jernigin " " B. Harris.
" Rector " " C. L. Jeffries.

No further nominations being made, the roll was called, when the following members voted for Mr. Gillam, viz:

Messrs. Austell, Barton, Baxter, Beck, Brown, Bunch, Byrne, Canon, Desha, Gould, Gregg, Harding, Harris, Hill, Hockersmith, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Lawrence, Macon, Montgomery, Moulden, Neale, Norsworthy, Nunn, Patterson, Powel, Puryear, Ramsey, Rice, Stillwell, Stringfellow, Thorn, Tuley, Wade, Watson, Wilson, Witt, and Wood—40.

Those members who voted for Mr. Garrett, are

Messrs. Williams, Newton, Pettigrew, Primm, Redmond, and Smithson—6.

Those members voting for Mr. Harris, are

Messrs. Allen, Burgess, Calvert, Edmondson, Guice, Holmes, Jernigin, Logan, Matthews, Morton, and Terry—11.

Those members who voted for Mr. Jeffries, are

Messrs. Barkman, Beall, Douglas, Ederington, Flippin, Haggin, Leslie, Miller, and Rector—9.

Mr. Whinery voted for Dr. John Gray.

Whereupon, the Speaker announced that the Rev. W. H. Gillam, having received a majority of all the votes cast, was duly elected chaplain to the House of Representatives.

Messrs. Bishop, Butts, Bruton, Gordon, Jones of Desha, Jones of Hot Spring, and Poe, were excused from voting for chaplain.

On motion of Mr. Baxter, the chair appointed a committee consisting of Messrs. Baxter, Harding, and Macon, to wait upon the Rev. Mr. Gillam, and inform him of his election as chaplain.

Mr. Allen offered the following resolution:

Resolved, That the resolution passed that this House have no chaplain for the present session, be expunged from the journal, and that black lines be thrown around the same.

Which, on motion of Mr. Barton, was laid on the table.

Mr. Barton gave notice that on Wednesday next, or some day thereafter, he would introduce a bill to amend the ferry law, and also at the same time a bill to amend the law on mill-dams.

Mr. Patterson offered the following resolution:

Resolved, That the compensation of the chaplain of this House be three dollars per day, to be paid as the per diem pay of the members.

Which, on motion of Mr. Wood, was laid on the table, till the 4th July next.

On motion of Mr. Austell, the resolution concerning the printing the Governor's message, was taken up.

Mr. Byrne moved to amend by striking out two thousand and inserting five thousand.

Mr. Wilson called for the ayes and nays upon the adoption of the amendment; the call was sustained and the roll called,

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Barkman, Baxter, Beall, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Harding, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Redmond, Rice, Stillwell, Stringfellow, Terry, Thorn, Tuley, Wade, Watson, Whinery, Williams, Witt, and Wood—69.

Those members who voted in the negative, are

Messrs. Barton, Moulden, Rector, Smithson, and Wilson—5.

So the resolution as amended, was adopted.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your honorable body, that the Senate have concurred in the House joint resolution, proposing to go into an election on Friday the 10th inst., at 12 o'clock, M., for the purpose of electing a United States Senator, to fill the unexpired term of the Hon. Solon Borland, resigned, and also to elect a Senator of the United States for the term of six years, from the 4th of March next, which is herewith returned.

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Jones of Desha, gave notice that on Monday next, or some convenient day thereafter, he would introduce a bill to amend the law on Swamp and Overflowed Lands.

Mr. Moulden gave notice that he would, on some future day, introduce a bill to amend the present school law of this State.

Mr. Williams offered the following resolution:

Resolved, That the committee on printing, be instructed that in procuring the printing of the 5,000 copies of the Governor's message without the accompanying documents, they take into account the number already printed.

Which was adopted.

Mr. Calvert gave notice that he would, at some subsequent day, introduce a bill in the form of a charter, to authorize Joseph

A. Lovett and Jared A. Barnes, to build a toll bridge across Languille river, in St. Francis county, in this State, in township 7 north, of range 3 east, of the U. S. survey.

Mr. Rector gave notice that upon some future day he would introduce a bill to suppress the circulation of small bank bills in the State of Arkansas.

Mr. Byrne offered the following resolution:

Resolved, That a committee of three be appointed to wait upon the printer for the State and request the printing of the 5,000 copies of the Governor's message without the accompanying documents, for the benefit of the members of this House, at as early a day as possible.

Which was adopted, and Messrs. Byrne, Calvert and Barton, appointed as such committee.

Mr. Nunn gave notice that, on Monday next or some day thereafter, he would introduce a bill authorizing Ministers of the Gospel to administer oaths in certain cases, and for other purposes.

Mr. Douglas gave notice that on Friday next or some day thereafter, he would introduce a bill to amend an act known as the "Homestead bill," so as to reduce the quantity of land exempted from execution, to 40 acres.

Mr. Bruton offered the following resolution:

Resolved, That if any member of this House may offer any other insult intentionally to this House, he shall be looked upon with indignity.

Which, on motion of Mr. Stillwell, was laid on the table till the 4th July.

Mr. Leslie gave notice that on Tuesday next, he would introduce a bill to amend the common school law of Searcy county, passed at the last session, and for other purposes.

Mr. Norsworthy offered the following resolution:

Resolved, That a committee of three be appointed by the Speaker, to ascertain what insult has been offered to this House by any member thereof, if any, and report accordingly.

Mr. Macon moved to lay said resolution on the table, which was lost.

The question then arose upon the adoption of the resolution, which was decided in the negative.

Mr. Miller offered the following resolution:

Resolved, That the door-keeper be required to keep better order in the House.

Which was adopted.

Mr. Pettigrew gave notice that on Tuesday next or some convenient day thereafter, he would introduce a bill to amend the 118th chapter of the Statutes of Arkansas, under the head of "Paupers."

Mr. Williams gave notice that he would, on Monday next, or some convenient day thereafter, introduce a bill to be entitled an act to amend in part the 8th section of an act entitled an act to amend the revenue laws of this State, approved 1st January, 1853, and section 95, chapter 139, of the Digest; also an act to increase the compensation of jurors.

Mr. Whinnery moved an adjournment, which was lost.

Mr. Harding moved a recess till 2 o'clock, which was also lost.

Mr. Bunch gave notice that he would, on Monday next, or some day thereafter, introduce a bill to amend the common school law in this State, so as to concentrate the proceeds of the sales of the 16th sections belonging to each county, into a common school fund in each county, and for other purposes.

Mr. Rector gave notice that he would, on Saturday next, introduce a bill to repeal an act authorizing guardians to sell real estate of minor children, where there are no debts.

Mr. Harris offered the following resolution:

Resolved, That an Assistant Door-keeper be elected to attend this House during its present session.

Which, on motion of Mr. Johnson, was laid on the table.

Mr. Pettigrew gave notice that on Wednesday next, or some convenient day thereafter, he would introduce a bill to amend the law in regard to fees of jurors before justices of the peace.

Mr. Holmes gave notice that on Monday next, or some convenient day thereafter, he would introduce a bill to change the mode of voting in this State, from *viva voce* to ballot.

Mr. Norsworthy gave notice that on Wednesday next, or some day thereafter, he would introduce a bill to amend chapter 102, of the Digest, under the head of marriages.

Mr. Watson offered the following resolution:

Resolved, That the Door-keeper be instructed to employ an assistant Door-keeper at the rate of $1 50 per day.

Which was adopted.

On motion of Mr. Harding the House took a recess till 2 o'clock, P. M.

2 o'CLOCK, P. M., *Nov. 8th.*

The House convened.

Mr. Wood was called to the chair.

Mr. Bruton gave notice, that he would, on some convenient day introduce a bill to change the meeting of the Legislature from every two to every four years.

Mr. Guice gave notice, that on Wednesday, next, or some other day he would introduce a bill to change the 2d section of the 29th chapter of the Digest, in order to elect a justice of the peace from each township for members of the county court.

Mr. Holmes offered the following preamble and resolution:

WHEREAS, much inconvenience, trouble and expense are incurred by many citizens of this State in visiting the seat of government to secure lands under the late act of Congress, graduating the price of the public lands, in consequence of there being no official information in the Register's office as to the time the public lands in the different townships in this State were offered for sale, not being able to perfect their entries for want of such information, and being under the necessity of submitting to onerous charges, by private agents, to secure said lands, or to be compelled to return to the land office, in person, at a future day, at much expense and trouble; therefore,

Resolved, That His Excellency, the Governor, be requested to communicate the facts to the Commissioner of the General Land Office, at Washington City, in order that this evil may be speedily remedied.

Which was adopted.

Mr. Baxter, from a select committee, made the following report:

Mr. Speaker:

The committee appointed to inform the Rev. Mr. Gillam of his election as Chaplain to the House, respectfully beg leave to report that they have performed that duty, and they have the pleasure of informing the House that he accepted the appointment and signifies his readiness to enter upon the discharge of the duties of the position, at the meeting of House in the morning.

BAXTER, *Ch'n.*

Which report was, on motion of Morton, adopted.

Mr. Edmondson offered the following resolution:

Resolved, That the Clerk appoint an additional Page during the present session.

Which, on motion of Mr. Williams, was laid on the table.

Mr. Moulden gave notice that Saturday next, or some day thereafter, he would introduce a bill to sever the election of State and county officers.

Mr. Jones, of Conway, gave notice, that on Friday next, or some future day he would introduce a bill for the purpose of seperating the probate and county courts of Conway county.

On motion of Mr. Johnson, the joint resolution of the House concerning the establishment of a horse mail route from Huntsville, Madison county, thence to Kingston's Madison county, thence to Samuel Whiteley's, in Newton county, thence to Jasper, in Newton county, was taken up, the rules suspended, the resolution read a 2d and 3d time and adopted.

Mr. Redmond gave notice that on Monday next, or some day thereafter, he would offer a resolution to cut off all commercial intercourse between the State of Arkansas and the State of Ohio, on account of frequent and continued outrages upon the citizens of this and other slaveholding States.

Mr. Ederington gave notice that at some convenient time he would introduce a bill to change the time of holding the county courts of Bradley county.

Mr. Byrne offered the following resolution:

Resolved, That with the concurrence of the Senate, the two Houses will convene in this hall, on Friday next, at 2 o'clock p. m., of said day, for the purpose of electing an Auditor of Public Accounts for the State of Arkansas.

Which was read a first time.

On motion of Mr. Gregg, the rules were suspended, the resolution read a 2d and 3d time, and adopted.

Mr. Harris gave notice that on some future day, he would introduce a bill to have a special act passed for the benefit of Calhoun county.

Mr. Calvert moved an adjournment till to-morrow morning, 10 o'clock—which was lost.

Mr. Harris moved to adjourn till to-morrow morning, 9 o'clock. Which was also lost.

Mr. Powell gave notice that on Thursday next, or some day thereafter, he would introduce a bill to pay to the owners one-half the value of slaves executed in this State for capital offences.

Mr. Redmond gave notice that on Thursday nex, or some convenient day thereafter, he would introduce a bill to increase the pay of grand and petit jurors of the county of Monroe.

On motion of Mr. Moulden, the House adjourned until to-morrow morning, 9 o'clock,

SAMUEL MITCHELL,
Speaker Ho. of Reps.

THURSDAY, *Nov. 9th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Mr. Speaker announced the following Standing committees for the present session, to wit:

On Ways and Means.—Messrs. Redmond, Johnson, Powell, Beck, Whinery, Jones of Lawrence, Bruton, Gordon and Tuley.

On the Judiciary.—Messrs. Desha, Gregg, Stillwell, Nunn, Douglas, Haggin, Hunter, Patterson and Jones of Desha.

On Education.—Messrs. Austell, Allen, Wade, Flippin, Jones of Conway, Poe, Byrne, Harding, Stringfellow and Harris.

On Internal Improvement.—Messrs. Rector, Brown, Edmondson, Jones of Desha, Barton, Rice, Bishop, Thorn and Montgomery.

On Auditor's and Treasurer's Books.—Messrs. Jacoway, Williams, Neale, Hockersmith, Wood, Stringfellow, Matthews, Wilson and Morton.

On Banks.—Messrs. Hill, Patterson, Pettigrew, Calvert, Ederington, Harris, Moulden, Baxter and Redmond.

On State Lands.—Messrs. Barkman, Gould, Jernigin, Newton, Byrne, Barton, Macon, Watson and Williams.

On Penitentiary.—Messrs. Guice, Primm, Witt, Bunch, Butts, Burgess, Miller, Logan and Jones of Hot Spring.

On Public Buildings.—Messrs. Smithson, Norsworthy, Ramsey, Beall, Calvert, Ederington, Logan, Thorn and Whinery.

On County and County Lines.—Messrs. Newton, Flippin, Leslie, Bunch, Puryear, Edmondson, Bruton, Austell and Matthews.

On Militia.—Messrs. Wood, Baxter, Terry, Hunter, Beall, Brown, Butts, Gordon and Primm.

On Agriculture.—Messrs. Cannon, Wilson, Douglas, Ramsey, Norsworthy, Miller, Beck, Jones of Lawrence, and Poe.

On Enrollments.—Messrs. Holmes, Powell, Rice, Montgomery, Witt, Gould, Harding, Jones of Conway and Haggin.

Mr. Jones, of Desha offered the following resolution:

Resolved, That in addition to the standing committees now established, a committee on swamp and overflowed lands be constituted and added thereto.

Mr. Barton moved to amend by inserting that the committee have full power to send for witnesses, papers or reports, that may be necessary for their action.

Which was agreed to, and the resolution as amended adopted, and the following members appointed as such committee, to wit:

Messrs. Jones, of Desha, Macon, Neale, Harding, Williams, Tuley, Allen, Puryear and Barton.

Mr. Johnson offered the following resolution:

Resolved, That the speaker of this House appoint a standing committee on claims.

Which was adopted, and

Messrs. Johnson, Hockersmith, Stringfellow, Thorn, Wade, Watson, Jernigin, Leslie and Pettigrew were appointed as such committee.

Mr. Wood offered the following resolution:

Resolved, That the Chair appoint a committee of five, as a committee on memorials, and that it be a standing committee of the House.

Which was read and adopted, and

Messrs. Wood, Jones of Hot Spring, Gregg, Cannon and Morton, appointed as such committee.

Mr. Williams introduced a memorial instructing our Senators and requesting our Representatives in Congress to use their exertions to procure the passage of an act by Congress, granting to this State, in addition to the swamp and overflowed lands already confirmed to the State, or that may hereafter be confirmed, all such lands selected by the State, which have been sold by her, and remain unconfirmed.

Which was read a first time.

Mr. Neale gave notice, that on Wednesday next, or some day thereafter he would introduce a bill to increase the pay of grand and petit jurors and witnesses, in Chicot county.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your honorable body, that the Senate have concurred in the joint resolution of this House, raising a select committee of five, to act in conjunction with such committee as may be appointed on the part of the House to invite and receive bids for public printinting. The committee on the part of the Senate, are

Messrs. Barkman, Green, Scoggin, Lemoyne and Rose.

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Redmond offered the following resolution:

Resolvee, That one hundred and fifty copies of the joint resotions of the State of Mississippi, on the subject of railroads be printed for the use of this House.

Which was adopted.

Mr. Wood introduced a bill to be entitled an act to change the salaries of the Judges of the Supreme and Circuit Courts.

Which was read a first time.

Mr. Wood moved a suspension of tne rules so that the bill might be read a second time.

Which was lost.

Mr. Bruton offered the following resolution:

Resolved, That so much of the Governor's Message as relates to State lands, be referred to the standing committee on State lands; and so much as relates to Banks, to the standing committee on Banks; and so much as relates to the Penitentiary, referred to the committee on Penitentiary; and so much as relates to education, to the committe on education.

Mr. Rector moved to amend by saying, and so much as relates to internal improvement, to the committee on internal improvement.

Which was accepted, and the resolution as amended adopted.

Mr. Tuley gave notice that he would, on Monday next, or some day thereafter, introduce a bill to change the existing school laws in this State.

Mr. Stillwell gave notice that he would, on Monday next, or some day thereafter, introduca a bill for the benefit of actual settlers on lands forfeited to the State for the non-payment of taxes.

On motion of Mr. Puryear, Mr. Beck was added to the committee on education.

On motion of Mr. Wood, Messrs. Douglas and Haggin were added to the committee on banks.

On motion of Mr. Redmond, Mr. Puryear was added to the committee on internal improvement.

On motion of Mr. Neale, Mr. Tuley was added to the committee on education.

On motion of Mr. Wilson. Mr. Smithson was added to the Judiciary committee.

On motion of Mr. Gregg, Mr. Pettigrew was added to the committee on internal improvement.

On motion of Mr. Williams, Mr. Rector was added to the committee on the judiciary.

On Motion of Mr. Redmond, Mr. Stillwell was added to the committee on education.

On motion of Mr. Austell, Mr. Calvert was added to the committee on internal improvement.

On motion of Mr. Barton, Mr. Stillwell was added to the committee on internal improvement.

On motion of Mr. Jones, of Desha, Mr. Jacoway was added to the committee on internal improvement.

On motion of Mr. Bruton, Mr. Gordon was added to the committee on Banks.

On motion of Mr. Jones, of Lawrence, Mr. Nunn was added to the committe on county and county lines.

Mr. Johnson offered the following resolution:

Resolved, That the Clerk of this House be required to mak a true list of all the standing committees, and that the same be pasted within the wall of the House for the information of all concerned.

Which was adopted.

On motion of Mr. Logan, Mr. Edmondson was added to the committee on county and county lines.

On motion of Mr. Smithson, Mr. Powell was added to the committee on banks.

On motion of Mr. Gould, Mr. Bish was added to the committee on county and county lines.

On motion of Mr. Rector, Mr. Tuley was added to the committee on banks.

On motion of Mr. Powel, Mr. Primm was added to the committee on internal improvements.

Mr. Tuley gave notice that he would, on Monday next, or some day thereafter, introduce a bill to increase the pay of grand and petit jurors and witnesses in Jefferson county.

On motion of Mr. Wood, Mr. Austell was added to the committee on the judiciary.

On motion of Mr. Rector, Mr. Hockersmith was added to the committee on education.

Mr. Nunn offered the following resolution:

Resolved, That no additions to the standing committees of this House shall be made till Monday next.

Which was adopted.

Mr. Puryear gave notice that he would, on Monday next, or some day thereafter, introduce a bill to change the time of holding the probate court of Poinsett county from the 3d Mondays in January, April, July and October, to the 2d Mondays in January, April, July and October.

Mr. Tuley gave notice, that on Thursday next, or some day thereafter, he would introduce a bill to change the common road law.

Mr. Holmes presented a memorial from the Saline Baptist Association, praying the Legislature to pass a law placing the right to sell ardent spirits before the voters of each township of the State, and that a majority of said townships shall have the right to deny or grant license to grocery keepers as the case may be.

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the memorial read a second time and referred to the committee on memorials.

Mr. Redmond gave notice that he would, on Monday next, or some day thereafter, introduce a bill, to authorize the county court of Monroe county to levy a road tax, and for other purposes.

Mr. Rice gave notice that he would, on Monday next, or some day thereafter, introduce a bill, the purpose of which will be to cause an enclosure to be erected around each and every gin house in the county of Phillips.

Mr. Tuley moved a recess till 2 o'clock; P. M.

Which was lost.

Mr. Byrne, from a select committee on printing made the following report:

Mr. Speaker:

We, the undersigned, appointed on yesterday, to wait on the printer of this State, and request the speedy printing of 5,000 copies of the Governor's message, including what has already been printed, without the accompanying documents, beg leave to report that we called upon Richard H. Johnson, who informed us that he had some 1,500 copies printed, and would, at an early day, have the remaining 3,500 copies printed ready for the use of the members of this House.

A. BYRNE, *Chairman.*

Mr. Wood offered the following resolution:

Resolved, That no motion to adjourn shall hereafter be in order till one o'clock.

Which, on motion of Mr. Neale, was laid on the table.

Mr. Jones of Lawrence, gave notice that he would, on Monday next, or some day thereafter, introduce a bill to change the existing road laws in this State.

Mr. Gould gave notice that he would, on Wednesday, next or some day thereafter, introduce a bill to call in and class the scrip of Pike county.

Mr. Whinery moved an adjournment, which was lost.

Mr. Butts gave notice that he would on Thursday next, or some convenient time thereafter, present a petition to this body from the city of Clarksville, Johnson county, to disannul her incorporated city.

Mr. Poe moved to take a recess till 2 o'clock, which was lost.

Mr. Barkman gave notice that on the 10th inst., or some future day, he would introduce a bill amendatory of existing laws on marks and brands.

Mr. Beall gave notice that ou Wednesday next, or some convenient day thereafter, he would introduce a bill for the purpose of calling in the scrip of Clark county.

Mr. Jones of Conway, gave notice that on Tuesday next, or some day thereafter, he would introduce a bill to call in the scrip of Conway county.

Mr. Whinery offered the following resolution:

Resolved, That so much of the Governor's message as relates to grading and leveling the walls of the Penitentiary, be referred to the committee on the Penitentiary.

Which was read and adopted.

Mr. Beck gave notice that on Monday next, or some future time thereafter, he would introduce a bill to separate the county and probate courts of Izard county.

Mr. Witt gave notice that he would, at some convenient time, introduce a bill to separate the county and probate courts of Van Buren county.

Mr. Tuley gave notice that he would, on Monday next, or some day thereafter, introduce a bill to constitute Margaret Ann White the legal heir of James White.

Mr. Edmondson moved that the House adjourn until to-morrow morning 9 o'clock.

Mr. Wood asked to be excused from serving on the committee on memorials.

Mr. Harding offered the following resolution:

Resolved, That this House meet at 10 o'clock A. M. during the present session.

Mr. Williams moved to amend by inserting half past 9.

Which resolution and amendment were lost.

Mr. Flippin gave notice that on Thursday next, or some day thereafter, he would introduce a bill to separate the county and probate courts of Marion county.

Mr. Johnson offered the following resolution:

Resolved, That seventy-five copies of the standing committees be printed, and that each member be furnished one copy, and that the same be paid as other public printing and that this supersedes the necessity of the same being posted as required by resolution of this House, and that the clerk furnish the editor with a copy thereof.

Which was read and adopted.

Mr. Pettigrew gave notice that he would on some day next week, introduce a bill to amend the existing law in regard to patrols.

Mr. Whinery gave notice that on Tuesday next, or some day thereafter, he would introduce a bill to authorize Elizabeth Morgan to sell certain real estate.

Mr. Barkman gave notice that on Wednesday next, or some future day, he would introduce a bill, amendatory of the law in regard to runaway slaves.

On motion of Mr. Williams, the rules were suspended and the memorial presented by him this morning was taken up, read a second time and referred to the committee on memorials.

On motion of Mr. Rector, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

FRIDAY, *Nov.* 10*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Mr. Speaker presented the report of the internal improvement commissioner of the county of Montgomery.

Which, on motion of Mr. Johnson, was referred to the committee on internal improvements.

Mr. Austell was called to the chair.

Mr. Powel gave notice that on Monday next, or some day thereafter, he would introduce a bill requiring the county Treasurer of each county on the 1st day of May, in each year, or as soon as practicable thereafter, to make a tabular statement, showing the receipts from all sources into the Treasury, and the disbursements for whatever purpose, and that he shall cause to be printed in pamphlet form, not less than five hundred nor more than two thousand copies of the same, for the use of the tax payers of each county respectively.

Mr. Williams offered the following resolution:

Resolved, That the chair appoint a committee of seven to be a standing committee on apportionments.

Which was adopted, and

Messrs. Williams, Johnson, Montgomery, Macon, Cannon, Powel and Guice, appointed as such committee.

Mr. Neale offered the following resolution:

Resolved, That in compliance of a resolution of the Senate, concerning the death of George W. Underhill, the clerk be requested to furnish crape, and that the members wear the usual badge of mourning for thirty days.

Which was adopted.

Mr. Byrne gave notice that on Monday next, or some day thereafter, he would introduce the following: A bill to amend sec. 31, chapter 4 of the Digest, under the head of administrators; a bill to amend sec. 62 and 63, chapter 67, under the head of executions; a bill to repeal section 8, article 5, chapter 51, under the head of sabbath breaking; a bill to amend sec. 32 chapter 80, of the Digest; a bill to increase the pay of witnesses before the circuit courts in State cases, to the same they now receive in civil suits; a bill to amend the law under the head of runaway slaves; a bill to change the time of holding the county and probate courts of Lafayette county, to the 3d instead of th 2d Mondays after the 4th Mondays in January, April, July and October; and also a bill to amend the 3d section of chapter 17 of the Digest, and to make other and further amendments to the attachment laws.

Mr. Nunn offered the following preamble and resolution:

WHEREAS, The State of Arkansas has been peculiarly favored with abundant crops of every character, from her earliest organization to the present year; And whereas, her monied facilities are largely inferior to any of her sister States, thereby forcing a credit system and necessary policy to be resorted to and adopted; And whereas, a large proportion of the population of commonwealth are poor and humble tillers of the soil, dependant alone upon their own industry and the productions of the earth for sustenance and life; And whereas, this unavoidable credit system and stern necessity have forced our citizens to bank upon the hope of the usual abuudant crops; And whereas, a kind and just providence of God has seen fit to withhold that abundance, and hence cut off all hope of liquidating outstanding debts; And whereas, if rigid efforts are made to enforce the collection of debts, now necessarily outstanding, it would reduce hundreds of families in our State to penury and want, and hence throw them as objects of charity upon the mercy of the world as paupers and beggars, to the end that early and judicious legislation be had upon this subject. Therefore,

Resolved, That a committee of twelve, two from each judicia district in this State, be appointed, whose duty it shall be to act in conjunction with the committee on the judiciary, and do enquire into the expediency and constitutionality of passing a law to suspend, until the 25th day of December, 1856, all laws now in force authorizing the forcible collection of debts; and that said committee report back to this House by bill or otherwise.

Which was lost.

Mr. Moulden, from a select committee, made the following report:

Mr. Speaker:

The committee appointed to prepare and propose rules for the government of the House, and to act in concert with such committee as might be appointed on the part of the Senate to prepare and propose joint rules for the action of the two Houses, have had the same under consideration, and instruct me to report the adoption of the rules governing the House at its last session.

The committee instruct me further to report the adoption of the joint rules of the General Assembly, without amendment.

MOULDEN, *Chairman*.

Which report was adopted.

Mr. Tuley gave notice that he would, on Monday next, introduce a bill to amend the charter of the town of Pine Bluff, in Jefferson county.

Mr. Redmond offered the following resolution:

Resolved, That so much of the Governor's message as relates to the election of county attorneys, be referred to the committee on the judiciary, and that said committee be instructed to report a bill for the same at an early day.

Which was adopted.

Mr. Hill offered the following resolution:

Resolved, That the committee on banks be authorized to procure the services of a clerk.

Which was adopted.

Mr. Wood offered the following preamble and resolution:

Whereas, it has been made manifest to this House, by the message of His Excellency, Governor Conway, that the Supreme Court of the State of Texas, some time in the year 1852, perpetrated an act in assisting in the escape of a fugitive from justice from this State, and by such act has inflicted a wound upon the escutcheon of our beloved commonwealth, which deserves the indignant notice and condemnation of our high authorities; Therefore,

Resolved, That all that part of the Governor's message in relation to the action and conduct of said Supreme Court be referred to the committee on the judiciary, and that said committee take prompt action upon the same.

Which preamble and resolution was read and adopted.

Mr. Wade gave notice that Wednesday, the 29th inst., or some convenient day thereafter, he would introduce a bill for the purpose of establishing a trunk line of the Cairo and Fulton railroad in the most direct line from Little Rock, to intersect the Mississippi, Ouachita and Red river railroad, at or near the city of Camden, Ouachita county.

Mr. Matthews presented the petition of Samuel Morris and 210 other citizens of the county of Union, praying the legislature to enact a law similar to the Louisiana liquor law, which law authorizes the people of each township to say whether or not ardent spirits shall be sold therein.

Which petition, on motion of Mr. Matthews, was referred to the committee on memorials.

Mr. Logan gave notice that on Friday next, he would introduce a bill to change the time of holding the probate courts in Scott county.

Mr. Jones of Conway, gave notice that on Wednesday next, or some day thereafter, he would introduce a bill to change the time of convening the General Assembly of this State to the 15th of October.

Mr. Beall gave notice that on Monday next, or some convenient day thereafter, he would introduce a bill to prevent the hunting and killing wild stock except as provided therein.

Mr. Jones of Lawrence, offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of amending the law in relation to taxing lands that may be assessed at their true value, regardless of any improvement thereon, and that they report by bill or otherwise.

Which was adopted.

Mr. Speaker resumed the chair.

Mr. Bishop presented the petition of John M. Whiteside, praying the Legislature to pass an act legalizing the sale of certain real estate.

Which petition, on motion of Mr. Wilson, was referred to the committee on the judiciary.

Mr. Logan asked and obtained leave of absence for Mr. Allen in consequence of indisposition.

Mr. Moulden offered the following resolution:

Resolved, That the clerk of the House be requested to furnish the same with one hundred and fifty copies of the rules of the House in printed pamphlets.

Which was adopted.

Mr. Nunn offered the following resolution:

Resolved, That all that part of the Governor's messane which relates to the militia of the State, be referred to the committee on militia, and that said committee be requested at some convenient day, during this session, to report to this House the condition of the militia of this State.

Which was read and adopted.

Mr. Stringfellow gave dotice that on Monday next, or some convenient day thereafter, he would introduce a bill in regard to the practice of medicine in this State.

Mr. Austell offered the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Arkansas, That the attorney general for the State be instructed and requested to issue a writ of *quo warranto* immediately, against the Memphis and St. Frances Plank Road Company, calling upon said company to show by what authority they have built and erected toll gates across the military road, or public highway, in Crittenden county in this State, and also by what authority they are demanding and receiving toll of emigrants and others passing through the same.

Which was read a first time.

On motion of Mr. Austell, the rules were suspended, the resolution read a second time and referred to a committee composed of Messrs. Austell, Patterson, Stillwell, Rector and Gregg.

On motion of Mr. Wood, the orders of the day were taken up, and House bill No. 1, to be entitled "an act to change the salaries of the supreme and circuit judges," was read a second time and referred to the committee on the judiciary.

On motion of Mr. Whinery the House took a recess till 12 o'clock, M., for the purpose of preparing the House in order to receive the Senate to go into the election of United States Senator.

12 o'clock, M.

The House convened.

On motion of Mr. Johnson the clerk informed the Senate that the House was ready to receive them for the purpose of going into the election of United States Senator.

The Senate now appeared within the hall of the House of Representatives, and were seated.

Mr. President announced that the object of the present convention was to elect a United States Senator.

Whereupon, on motion of Mr. Wood the convention went into an election to fill the unexpired term of Hon. Solon Borland, resigned.

Mr. President announced that nominations were in order.

Mr. Logan nominated Hon. R. W. Johnson.

No further nominations being made, the roll was called, when the Hon. R. W. Johnson received 23 votes in the Senate, and 75 in the House of Representatives.

Those members of the House who voted for Mr. Johnson, are

Messrs. Allen, Austell, Barkman, Barton, Baxter, Beall, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Harding, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Terry, Thorn, Tuley, Wade, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—75.

Whereupon, Mr. President announced that Hon. R. W. Johnson, having received the unanimous vote of both houses, was duly and constitutionally elected United States Senator for the unexpired term of Hon. Solon Borland, resigned.

Mr. President announced that the further object of the convention was to elect a United States Senator for the term of six years from and after the 4th day of March next, and that nominations were in order.

Mr. Smithson nominated Hon. R. W. Johnson.

No further nominations being made, the roll was called, when Mr. Johnson received 23 votes in the Senate, and 75 votes in the House of Representatives.

Those members of the House who voted for Mr. Johnson, are

Messrs. Allen, Austell, Barkman, Barton, Baxter, Bell, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Harding, Haggin, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Terry, Thorn, Tuley, Wade, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—75.

Whereupon Mr. President announced that the Hon. R. W. Johnson having received the unanimous vote of both Houses was duly and constitutionally elected United States Senator, for the term of six years from and after the 4th day of March next.

The Senate retired to their chamber.

The following message was received from the Senate, by the hands of their secretary:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have passed Senate bill No. 3, to be entitled "an act to prevent the advertising, and withhold from sale certain swamp and overflowed lands."

Which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS,
Sec'y of the Senate.

On motion of Mr. Tuley, the House adjourned until to-morrow morning, 9 o'clock.

SAML. MITCHELL,
Speaker Ho. of Reps.

SATRRDAY, *Nov.* 11*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Mr. Baxter gave notice that he would, on Monday next, or some day thereafter, introduce a bill to place so much of the military roads as lie in the county of Independence, under the jurisdiction of the county court of that county.

On motion of Mr. Macon, leave of absence was granted Mr. Rice, on account of indisposition.

Mr. Guice gave notice that he would, on Friday next, or some day thereafter, introduce a bill to authorize the county courts to impose a road tax.

Mr. Smithson gave notice that he would, on some future day, introduce a bill to amend the 52d chapter of the Digest under the head of criminal proceedings.

On motion of Mr. Stillwell, the vote taken yesterday on the resolution requiring the judiciary committee to report a bill concerning that part of the Governor's message relating to county attornies, was reconsidered.

Mr. Redmond moved to amend said resolution by inserting "or otherwise."

Which was adopted; and the resolution, as amended, adopted.

Mr. Montgomery gave notice that he would, on Monday, or some day thereafter, introduce a bill to incorporate the town of Grand Glaze, in the county of Jeckson.

Also a bill to incorporate the Batesville Male and Female Academy.

On motion, Senate bill entitled "an act to prevent the advertising, and withhold from sale certain swamp and overflowed lands."

Was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended the bill read a second time, and referred to the committee on the judiciary.

Mr. Puryear offered the following preamble and resolutions:

Whereas, It appearing from the report of the commissioners, now on file in the office of Secretary of State, that the Memphis and St. Francis Plank Road Company have failed to comply with the provisions of their amended charter; therefore,

Be it resolved by the Senate and House of Representatives of the State of Arkansas, That all persons shall be allowed and permitted to travel upon the military road, in Crittenden county, in this State, upon which the said Memphis and St. Francis Plank Road Company, have laid planks and erected toll gates across the same, free of toll or charge for the same, together with all of their stock of every kind until after the said company shall first have complied with the conditions and provisions of their charter as amended.

Be it further resolved, That the Secretary of State is hereby required immediately, to give notice to the sheriff of Crittenden county, as well as to those officers of said county, whose duty it is to execute process, that they are hereby commanded not to execute any process in favor of said Memphis and St. Francis Plank Road Company, in no case whatsoever, when the object is to collect toll for the use and benefit of said company, until after the completion of said road by said company, in accordance with the provisions of their amended charter, and that all the officers who may fail, refuse, or neglect to do the same, as provided for in this resolution, shall be deemed guilty of a misdemeanor, and subject to an indictment, and upon conviction thereof, shall be fined in any sum not less than twenty-five dollars, nor more than fifty dollars.

Which was read a first time.

On motion of Mr. Puryear, the rules were suspended, the resolution read a second time and referred to the committee on the judiciary.

On motion of Mr. Jones of Desha, the committee on the judiciary had leave to retire to sit on Senate bill, concerning the sale and advertising swamp and overflowed lands in this State.

Mr. Whinery offered the following resolution:

Resolved, That the committee on internal improvements, be a joint committee, and that the Senate be asked to concur herein.

Which was read and adopted.

Mr. Williams introduced a bill to be entitled "an act to prevent the advertising and public sale of certain swamp and overflowed lands."

Which was read a first time.

On motion of Mr. Williams, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr, Harding offered the following reeolution:

Resolved, That that portion of the Governor's messege, which recommends that a part of the swamp and overflowed lands be invested as stock in certain railroads, be referred to the committee on swamp lands, and that they report for or against the recommendation of the Governor, as they may deem the policy suggested by him the truest interest of the State, or otherwise.

Which was adopted.

Mr. Leslie offered the following resolution:

Resolved, That the committee on county and county lines be instructed to report to this House, at as early a day as convenient, the number of square miles contained in each county of this State; also, under what acts of the legislature counties have been reduced under their constitutional limits, if any, and to what counties the reduction was made.

Which was adopted.

Mr. Guice presented the report of the internal improvement commissioner of Drew county, which, on motion of Mr. Johnson, was referred to the committee on internal improvements.

Mr. Poe offered the following resolution:

Resolved, That the Auditor be requested to furnish each member of this House with one copy of the printed abstract of the census of 1854, of this State.

Which was adopted.

Mr. Ederington presented the petition of John Livingston and 78 others, of the county of Bradley, praying the legislature to pass an act prohibiting the retailing of ardent spirits within the State of Arkansas.

Mr. Tuley moved to lay the petition on the table.

Mr. Ederington called for the ayes and nays; which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Barkman, Beall, Butts, Calvert, Jones of Hot Spring, Miller, Neale, Poe, Redmond, Terry and Tuley—12.

Those members voting in the negative, are

Messrs. Austell, Barton, Baxter, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Byrne, Cannon, Edmondson, Ederington, Flippin, Gordon, Gould, Guice, Harding Harris, Hill, Hockersmith, Holmes Jacoway, Johnson, Jones of Conway, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Montgomery, Morton, Moulden, Newton, Norsworthy, Pettigrew, Powel, Primm, Puryear, Ramsey, Stringfellow, Thorn, Wade, Watson, Whinery, Williams, Wilson, Witt, Wood, and Mr. Speaker—51.

So the petition was not laid on the table.

On motion of Mr. Ederington the petition was then referred to the committee on memorials.

Mr. Wood from the committee on memorials made the following report:

Mr. Speaker:

A majority of the committee on memorials to whom was referred the memorial instructing our Senators, and requesting our Representatives in Congress to use their exertions to procure the passage of an act, by Congress, granting to this State, in addition to the swamp and overflowed lands already confirmed to the State, or that may hereafter be confirmed, all such lands, selected by the State, which have been sold by her, and remain unconfirmed, have instructed me to report favorably on the same and recommend its adoption.

WOOD, *Chairman.*

Which report was adopted.

Mr. Beall gave notice that he would, on some future day, introduce a bill for the benefit of jurors, in Clark county.

Mr. Pettigrew gave notice that he would, on Wednesday next, or some day thereafter, introduce a bill to repeal, in part, the 35th section of an act of the General Assembly of this State, entitled an act amendatory of existing laws, regulating the landed interest of this State.

Mr. Holmes offered the following preamble and resolution:

WHEREAS, The Congress of the United States has passed laws graduating the price of the public lands in this State, under certain restrictions, so as greatly to conflict with the sale of the lands owned by the State, at the minimum price.

And whereas, That portion of the lands donated by Congress to the State of Arkansas, for internal improvement purposes, known as the 500,000 acre donation, which yet remains unsold, is generally inferior in quality; therefore,

Be it resolved by the Senate and House of Representatives of the State of Arkansas, That our Senators be instructed, and our Representatives in Congress requested to use their best efforts to procure the passage of a law authorizing the State of Arkansas to reduce the price of such of the lands donated to the State for internal improvements, as yet remain unsold, to such sum per acre, as she may deem best suited to her interests.

Which was read a first time.

On motion of Mr. Holmes, the rules were suspended, the resolution read a second time and referred to the committee on State lands.

Mr. Witt gave notice that he would, on Friday next, or some day thereafter, introduce a bill to change the mode of serving process in the State of Arkansas.

Mr. Bruton gave notice that he would, on some convenient day, introduce a bill for the graduation of the price of the saline lands, or a portion of them, in this State.

Mr. Williams introduced a bill to be entitled an act to increase the compensation of jurors in the circuit courts of this State.

Which was read a first time.

On motion of Mr. Williams, the rules were suspended, and the bill read a second time, and on motion of Mr. Barton, referred to the committee on the judiciary.

Mr. Miller offered the following preamble and resolution:

Whereas, Certain persons, styling themselves "Know Nothings," have by an union with abolitionists, free soilers, and other traitors to the country, succeeded in obtaining a triumph over time-honored democratic principles, in recent elections.

And whereas, All secret political associations are hostile to the genius of our government, and condemned alike by honesty and fair dealing.

And whereas, Any political association, which cannot, or dare not avow its objects, ought not to be tolerated, and should receive the most pointed condemnation and rebuke; therefore,

Be it resolved by this House of Representatives, That the "Know Nothings" are enemies of our institutions, and ought not to be countenanced or tolerated in any manner or form whatever, by patriotic men, who wish well to our country and its government.

Which resolution, on motion of Mr. Neale, was laid on the table.

Mr. Flippin offered the following resolution:

Resolved, That it be adopted as a rule of this House, that no person be permitted to smoke in the Representative Hall, during the session of this body.

Which was read and adopted.

On motion of Mr. Redmond, the House adjourned until Monday morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

Monday, *November 13th.*

House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday read and approved.

On motion of Mr. Beall, leave of absence was granted Mr. Barkman on account of indisposition.

Mr. Edmondson presented a petition of sundry citizens of Fort Smith, praying certain modifications on the city charter of Fort Smith.

Which, on motion of Mr. Edmondson, was referred to a select committee, consisting of Messrs. Edmondson, Haggin and Logan.

Mr. Nunn presented the petition of 415 citizens of Lawrence county, asking that the constitution of the State be so amended that a new county be formed out of the western portion of said county.

Which was, on motion of Mr. Nunn, referred to the committee on county and county lines.

Mr. Byrne introduced a memorial to the Congress of the United States in regard to school lands.

Which was read a first time;

And, on motion of Mr. Byrne, the rules were suspended, the memorial read a second time, and referred to the committee on memorials.

Mr. Desha, from the committee on the judiciary, made the following majority report:

Mr. Speaker:

The committee on the judiciary, to whom was referred the Senate bill, entitled an act to prevent the advertising and withhold from sale certain swamp and overflowed lands, have had the same under consideration, and a majority of said committee have instructed me to report the following amendment to the same, to wit: "Strike out all after the enacting clause in section 1st, of said bill, and insert in lieu thereof the following: "That so much of the 8th section of the law approved the 12th of January, 1853, requiring advertisements of the swamp and overflowed lands be, and the same is hereby repealed, and that instead of the publications now required by law, the land agents in the several land districts shall be, and they are hereby required to give notice of the additional confirmation in the following manner, viz: Said land agents shall give notice in two newspapers published in the State, by two insertions in the same, and by posting up advertisements at the court-house door in each county, in his district, that additional confirmation of swamp and overflowed lands have been made in the several counties, giving the aggregate amount of land in each county, and requiring all persons claiming the right of pre-emption upon any of said lands, to come forward within sixty days from and after the date of the last publication and prove their pre-emption, after the expiration of which time said land shall be subject to private entry, as by existing laws." DESHA, *Chairmaa.*

Mr. Jones of Desha, offered the following minority report:

Mr. Speaker:

The minority of the committee on the judiciary, to whom was referred Senate bill, entitled an act to prevent the advertising of swamp and overflowed lands, etc., beg leave to offer the following report, viz: "After section 1st in original bill, insert sections 2d, 3d and 4th, in said minority report and change section 2d in original bill to section 5."

JONES *of Desha.*

Said above reports were, on motion of Mr. Williams, laid on the table for the present.

On motion of Mr. Johnson, Mr. Wilson was added to the committee on apportionments, and Mr. Miller to the committee on county and county lines.

Mr. Wilson offered the following resolution:

Resolved, That the standing committees of the two Houses on apportionments be a joint committee, and that the Senate be requested to concur herein.

Which was adopted.

On motion of Mr. Miller, Mr. Jones of Hot Spring was added to the committee on county and county lines.

On motion of Mr. Stringfellow, Mr. Moulden was added to the committee on internal improvements.

Mr. Tuley offered the following resolution:

Resolved, That this House meet regularly every morning at 10 o'clock.

Which, on motion of Mr. Wood, was laid on the table.

On motion of Mr. Wood, Mr. Calvert was added to the committee on militia, and Messrs. Norsworthy and Bruton to the committee on memorials.

On motion of Mr. Witt, Mr. Bishop was added to the committee on apportionments.

On motion of Mr. Redmond, Messrs. Witt and Barton were added to the committee on ways and means.

On motion of Mr. Desha, Mr. Hunter was added to the committee on swamp lands.

On motion of Mr. Harding, Mr. Patterson was added to the committee on swamp lands.

On motion of Mr. Guice, Mr. Rector was added to the committee on the penitentiary.

Mr. Puryear offered the following resolution:

Resolved, That the committee on county and county lines, be instructed to enquire into the matter as to the expediency of making a new county out a portion of the territory belonging to the counties of Poinsett and Green, and that said committee be instructed to report to the House at their earliest practicable convenience by bill or otherwise.

Which was adopted.

Mr. Nunn offered the following resolution:

Resolved, That the committee on counties and county lines be, and they are hereby instructed, to enquire into the expediency of amending section 29 of article 4 of the constitution of this State, so that counties now formed may be reduced to a less area of territory than nine hundred square miles, and that new counties may be formed with a like territory, and that said committee be requested to report a resolution back to this House, proposing such amendments, or otherwise, at an early day.

Mr. Thorn offered the following resolution:

Resolved, That the clerk furnish each member of the House with a copy of the act of Congress donating land to the State of Arkansas for railroad purposes.

Mr: Rector moved to amend said resolution by inserting "and the swamp land donation also;" which amendment was accepted by Mr. Thorn, and the resolution as amended adopted.

Mr. Byrne offered the following resolution:

Resolved, That the House meet at the hour of 9 o'clock A. M. of each day during the present session.

Which, on motion of Mr. Neale, was laid on the table.

On motion of Mr. Flippin, Mr. Burgess was added to the committee on county and county lines.

On motion of Mr. Witt, Mr. Jones of Conway, was added to the committee on the penitentiary.

On motion of Mr. Moulden, the House agreed to add no other member to any standing committee until the clerks ascertain how many have been added to each committee.

Mr. Gregg gave notice that, upon some convenient day during the present sesssion, he would offer a joint resolution proposing to modify the constitution of this State, so as to reduce the number of Representatives in the General Assembly to about one-half their present number.

Mr. Beck offered the following resolution:

Resolved, That the chairman of this House appoint a committee of three, whose duty it shall be to wait on the chaplain, (the Rev. Mr. Gillam), and request him to preach in this hall, at 3 o'clock P. M., on each sabbath during the present session of the legislature.

Which was read, adopted, and Messrs. Beck, Brown and Harding, appointed as such committee.

Mr. Patterson offered the following resolution:

Resolved, That the committee on counties and county lines be instructed to enquire into the expediency and propriety of forming a new county from the southern part of the county of Jackson, and the surrounding counties.

Which was read and adopted.

Mr. Flippin offered the following resolution:

Resolved, That the committee on county and county lines on the part of the Senate and House be made a joint committee, and that the Senate be asked to concur herein.

Which was read and adopted.

Mr. Rector introduced a bill to be entitled, "an act to suppress the circulation of small notes in this State."

Which was read a first time.

Mr. Whinery introducted a bill to be entitled, "an act to authorize Elizabeth Morgan, widow of Evan S. Morgan, deceased, to sell certain real estate, and for other purposes."

Which was read a first time.

On motion of Mr. Whinery, the rules were suspended, the bill read a second time, and on motion of Mr. Redmond referred to the committee on the judiciary.

Mr. Tuley introduced House bill No. 6, to be entitled, "an act to amend the charter of the town of Pine Bluff."

Which was read a first time.

On motion of Mr. Tuley, the rules were suspended; the bill read a second time, and referred to a select committee composed of Messrs. Tuley, Neale and Stillwell.

The following message was received from the Senate, by the hands of their secretary:

Mr. Speaker:

I am instructed to inform your honorable body that the Senate have concurred in the joint resolution of the House, instructing our Senators, and requesting our Representatives in Congress to use their best exertions to procure the establishment of a horse mail route from Huntsville, Madison county, thence to Samuel Whiteley's, in Newton county, thence to Jasper, Newton, which is herewith returned.

W. L. D. WILLIAMS,
Secretary of Senate.

On motion of Mr. Tuley, the select committee to whom was referred a bill entitled, "an act to amend the charter of Pine Bluff, had leave of absence to consider said bill.

Mr. Bruton introduced a bill entitled, "an act to graduate the price of the saline lands in this State."

Which was read a first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second time and referred to the committee on state lands.

Mr. Puryear introduced a bill entitled, an act to change the time of holding the probate courts in Poinsett county.

Which was read a first time.

On motion of Mr. Puryear, the rules were suspended, the bill read a second time, and referred to select committee of Messrs. Puryear, Austell and Williams.

Mr. Desha introduced a bill entitled, "an act to change the name of Mary Sutherlin to Mary Magness."

Which was read a first time.

On motion of Mr. Desha, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Rector, leave of absence, for a short time, was granted Mr. Jones of Hot Spring.

Mr. Pettigrew introduced a bill entitled, "an act to amend the 118th chapter of the statutes of Arkansas, under the head of paupers.

Which was read a first time.

On motion of Mr. Pettigrew, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Patterson introduced a bill entitled, "an act to change the time of holding the probate court of Jackson county."

Which was read a first time.

On motion of Mr. Patterson, the rules were suspended, the bill read a second and third time and passed.

Mr. Norsworthy introduced a bill entitled, "an act to amend chapter 16 of the Digest, under the head of attachments before justices of the peace."

Which was read a first time.

On motion of Mr. Norsworthy, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Montgomery introduced a bill entitled, "an act to incorporate the Batesville male and female academy.

Which was read a first time.

On motion of Mr. Montgomery, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Baxter introduced a bill entitled, "an act to place so much of the military roads as lie in the county of Independence, under the jurisdiction of the county court of that county."

Which was read a first time.

On motion of Mr. Baxter, the rules were suspended, the bill read a second and third time and passed.

Mr. Tuley made the following report:

Mr. Speaker:

The select committee to whom was referred a bill entitled, "an act to amend the charter of Pine Bluff," have instructed me to report the bill back to the House and recommend its passage.

TULEY, *Ch'n.*

On motion of Mr. Neale, the report was adopted.

On motion of Mr. Tuley, the rules were suspended, said above bill read a third time and passed.

Mr. Rector offered the following resolution:

Resolved, That the rules for the action of deliberative bodies contained and set forth in Jefferson's Manual, where said rules so laid down in said Manual do not conflict with any rule of this House, be, and the same shall hereafter be regarded as the rules of this body for and during the present session.

Which was adopted.

Mr. Austell offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of the passage of a law making certificates of purchase of the swamp and overflowed lands issued by the swamp land agents of this State, sufficient evidence of title, to enable the owners and holders of said certificates to institute and maintain actions of ejectment and trespass; and that said committee be instructed to report to the House at their earliest convenience by bill or otherwise.

Which was adopted.

Mr. Patterson offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of dividing the State into three supreme judicial districts, for the convenience of the State, and that they be required to report by bill or otherwise at an early day.

Which was adopted.

Mr. Smithson was called to the chair.

Mr. Nunn introduced a bill entitled, "an act to authorize ministers of the gospel to administer oaths, and for other purposes."

Which, on motion of Mr. Redmond, was laid on the table indefinitely.

On motion of Mr. Neale, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

TUESDAY, *Nov.* 14*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

On motion of Mr. Bruton, leave of absence was granted Mr. Ramsey on account of indisposition.

Petitions from counties were in order.

Reports from standing committees were in order.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred the following resolution—

"*Resolved*, That so much of the Governor's message as relates to the election of county attorneys, be referred to the committee on the judiciary, and that said committee be instructed to report by bill or otherwise for the same at an early day," have had the same under consideration, and have instructed me to report that they deem it inexpedient to report a bill on the subject.

Also a resolution of the House instructing said committee to enquire into the expediency of amending the law in relation to taxing lands that may be assessed at their true value, regardless of any improvements thereon, and that they report by bill or otherwise, instruct me to report that they deem it inexpedient to amend or change the existing law in relation to the subject.

Also a resolution referring all that part of the Governor's message in relation to the conduct of the supreme court of Texas, in discharging from the custody of the proper officers, by writ of *habeas corpus*, an escaped fugitive from justice in this State, and requiring this committee to take prompt action upon the subject, have had the same under consideration and instruct me to report, that although the conduct of said supreme court is to be deprecated, still this committee deem it inexpedient to take any action on the subject.

Also an act to prevent the advertising and public sale of certain swamp and overflowed lands, and instruct me to report that they find that all of the matters embraced in said bill are contained in the amendment to Senate bill No. 3, which amendment was drafted by this committee, and reported back by them with said Senate bill at a previous day of this session, and therefore they recommend its rejection.

Also "an act to change the salaries of the supreme and circuit judges," and have instructed me to report the same back to the House and recommend its rejection.

DESHA *Chairman.*

Mr. Douglas made the following minority report:

Mr. Speaker:

The undersigned being one of the committee to whom was referred House bill entitled, an act to change the salaries of the circuit and supreme judges, cannot do otherwise than dissent from the report of the majority recommending the rejection of said bill for the following reasons:

1st. Because no increase of talent is perceivable upon the bench by the increase of salaries made by the last session of the General Assembly.

2ndly. And mainly because the low state of the public funds requires that our public officers should be compensated with very moderate salaries.

3rdly and lastly, Because there are other public officers whose salaries are far below what they really ought to be, and which we cannot now increase on account of our inability to do so with safety to the interest of the State, all of which is most respectfully submitted.

M. DOUGLAS.

Mr. Puryear made the following report:

Mr. Speaker:

The select committee to whom was referred House bill entitled "an act to change the time of holding the probate courts of Poinsett county," have duly examined and considered the same, and instruct me to report the same back to the House and recommend its passage.

PURYEAR, *Ch'n.*

On motion of Mr. Puryear the rules were suspended, said bill read a third time and passed.

Mr. Speaker announced that motions and resolutions were in order.

Mr. Stringfellow gave notice that he would, on Monday next, or some day thereafter, introduce a bill to incorporate the town of Mt. Ida, in Montgomery county.

Mr. Cannon offered the following resolution:

Resolved, That the Secretary of State be required to obtain from the proper officers the act of Congress donating the swamp and overflowed lands to this State, and all the acts of the Legislature of this State in relation thereto, and the correspondence and instructions to the different officers of this State, and together with such other official information as he may obtain of importance, touching swamp lands, and cause two hundred copies of the same to be printed in pamphlet form, at an early day for the use of members of this House.

Which was adopted.

Mr. Beck offered the following resolution:

Resolved, That this House go into an election for Auditor of Public Accounts for the State of Arkansas, on Friday the 17th inst., at 12 o'clock, M., and ask the Senate to concur herein.

Which was adopted.

Mr. Moulden offered the following resolution:

Resolved, That the committees upon banks, upon Auditor's and Treasurer's books, and upon ways and means, be joint committees, and the Senate be requested to concur herein.

Which was adopted.

Mr. Gould introduced a bill to be entitled "an act to call in the scrip of Pike county."

Which was read a first time.

On motion of Mr. Gould, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Williams, the report of the judiciary committee on House bill entitled "an act to prevent the advertising and public sale, of certain swamp and overflowed lands," was taken up.

Mr. Jones of Desha, moved to lay said bill on the table.

Which motion was lost.

Mr. Williams moved to lay the report of the committee on the table indefinitely.

Which was also lost.

On motion of Mr. Wood, Senate bill entitled "an act to prevent the advertising and withholding from sale, certain swamp and overflowed lands," was taken up, and the majority and minority reports of the judiciary committee on the same read.

Mr. Jones of Desha, moved to lay the majority report of said committee on the table.

Which motion was lost.

Mr. Williams offered the following amendment:

Insert after section one, the following section: And be it further enacted, That the provisions of the first section of this act, shall extend to all swamp and overflowed lands which may hereafter be confirmed to this State.

And also make section second, into section third.

Which was rejected.

Mr. Redmond moved to amend by striking out 60 days and inserting 12 months.

Which was also rejected.

On motion of Mr. Stringfellow, said above majority report was adopted.

Mr. Rector offered the following amendment:

Add after the 2d section, "Provided that the holders of old scrip be allowed to locate their scrip at any time after the lands have been reported."

Mr. Jones of Desha, offered the following amendment to the amendment:

Be it enacted, That the holders of all swamp land scrip, indiscriminately, be permitted to locate their scrip upon any of the swamp land in the State, from and after the passage of this act.

Which, on motion of Mr. Harding, was laid on the table.

Mr. Williams moved to lay the amendment offered by Mr. Rector on the table.

Mr. Rector called for the ayes and noes, which call was sustained, and the roll called.

Those members who voted to lay the amendment on the table, are

Messrs. Austell, Baxter, Beck, Brown, Bruton, Bunch, Calvert, Ederington, Flippin, Gordon, Gregg, Guice Haggin, Hunter, Johnson, Jones of Conway, Jones of Desha, Jones of Lawrence, Matthews, Morton, Newton, Norsworthy, Nunn, Primm, Puryear, Smithson, Terry, Wade, Williams, Wilson, Witt, and Wood—33.

Those members voting in the negative, are

Messrs. Allen, Barton, Beall, Bishop, Burgess, Butts, Byrne, Cannon, Desha, Douglas, Edmondson, Gould, Harding, Harris, Hill, Hockersmith, Holmes, Jacoway, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Miller, Montgomery, Neale, Patterson, Pettigrew, Poe, Rector, Redmond, Rice, Stillwell, Stringfellow, Thorn, Tuley, Watson, Whinery and Mr. Speaker—39.

So the motion to lay on the table was lost.

Mr. Holmes moved the House adjourn till to-morrow morning, 9 o'clock.

Which was lost.

Mr. Jernigin offered the following amendment to the amendment, "Provided that no right of preëmption shall be interfered with by virtue of said locations."

On motion of Mr. Rector, the bills, reports and amendments, were made the special order of the day for to-morrow, in committee of the whole.

Mr. Tuley moved to adjourn till to-morrow morning, 9 oclock.

Mr. Macon called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Baxter, Brown, Burgess, Calvert, Desha, Edmondson, Haggin, Holmes, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Miller, Montgomery, Morton, Neale, Nunn, Patterson, Pettigrew, Poe, Primm, Rector, Rice, Smithson, Stringfellow, Terry, Tuley, Watson, Whinery, Wilson, Witt, Wood and Mr. Speaker—36.

Those voting in the negative, are

Messrs. Austell, Barton, Beall, Beck, Bishop, Bruton, Bunch, Butts, Byrne, Cannon, Douglas, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Harding, Harris, Hill, Hockersmith, Hunter, Jacoway, Johnson, Jones of Conway, Macon, Matthews, Moulden, Newton, Norsworthy, Puryear, Redmond, Stillwell, Thorn, Wade and Williams—36.

So the House refused to adjourn.

Mr. Rector was called to the chair.

On motion of Mr. Wood, the House adjourned until to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

WEDNESDAY, *Nov.* 15*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Mr. Logan presented the petition of sundry citizens of Scott county, asking the Legislature to grant George Hughes privileges to hawk and peddle free of license.

Which petition, on motion of Mr. Logan, was referred to the committee on memorials.

Mr. Hunter presented the report of the Internal Improvement Commissioner of Randolph county, which was referred to the committee on internal improvements.

Mr. Miller presented the petition of C. B. Ivy, asking to be released from all liability as one of the securities on a note given for certain seminary land by M. J. Wolf.

Which, on motion of Mr. Miller, was referred to the committee on State lands.

Mr. Desha presented the petition of Geo. W. Lovel and Samuel W. Peel, asking the Legislature to pass an act giving them additional compensation for arresting and bringing to justice William Johnson, an escaped convict, from the penitentiary of this Stats.

Which was, on motion of Mr. Desha, referred to the committee on claims.

Mr. Logan presented papers concerning the office of Internal Improvement Commissioner of Sebastian county.

Which was, on motion of Mr. Logan, referred to the committee on internal improvement.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Wood made the following report:

Mr. Speaker:

The committee on the militia to whom was referred so much of the Governor's message as relates to the organization of the militia of the State of Arkansas, have had the same under consideration, and instruct me to report, that from an inspection of the adjutant general's report, they find that the State militia are thorougly organized, with the following exceptions, viz:

Colonels vacant,	2
Lieutenant Colonels vacant,	5
Majors vacant,	6
Captains vacant,	73
1st Lieutenants vacant,	72
2d " "	73

The committee recommend that those who have the power should hold elections immediately, and have said vacancies filled. In relation to public arms, the committee ask further time to report. WOOD, *Chairman.*

Mr. Wood from the committee on memorials made the following report:

Mr. Speaker:

The committee on memorials to whom was referred the memorial and resolutions, instrncting our Senators and requesting our Representatives in Congress to use their best exertions to have the act of Congress passed, and approved January 23d, 1836, in relation to the 16th section in each township, and where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, granting the same to this State for the use of the inhabitants of such townships, for the use of schools, be so modified as to allow the inhabitants of any county, by a majority of the inhabitants of such county, to consolidate the funds arising from the sale of such school lands, and use the interest thereof for the benefit of one or more schools in said county, to be divided and distributed according to the scholastic population after said section shall be sold, ask leave to report, that they have had the same under consideration and recommend that no action be taken thereon.

WOOD, *Ohairman.*

Reports from select committees were in order.

Mr. Austell made the following report:

Mr. Speaker:

The select committee to whom was referred a joint resolution of the House, instructing and requiring the attorney general for the State, to immediately have issued a *quo warranto* against the Memphis and St. Francis plank road company, calling upon said company to show by what authority they had built and erected toll-gates across the military road, a public highway in Crittenden county, in this State, and by what authority they are demanding and receiving tolls of emigrants and others passing through the same, have considered and examined the same, and report back said resolution without amendment, and recommend its adoption. AUSTELL, *Chairman.*

Mr. Beck made the following report,

Mr. Speaker:

The committee appointed to wait on the Rev. Mr. Gillam and request him to preach in this hall at 3 o'clock P. M., on each sabbath during the session of the legislature, ask leave to report that they have performed the duty assigned them, and have received from Mr. Gillam in reply thereto, that he will comply with the request of the House if God will.

BECK, *Chairman.*

Mr. Speaker announced that motions and resolutions were in order.

Mr. Douglas offered the following resolution:

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use their influence to procure the passage of a law, authorizing the State of Arkansas to dispose of the swamp and overflowed lands donated to the State by an act of Congress, approved September 20th, 1850, in such manner as she may think most conducive to her own interest.

Which was read a first time.

On motion of Mr. Douglas, the rules were suspended; the resolution read a second time and referred to the committee on memorials.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your honorable body that the Senate have concurred in the joint resolution of the House proposing to make the committees of the two Houses on apportionments joint committees.

The Senate have also concurred in the joint resolution of the House proposing to make the committees of the two Houses on counties and county lines joint committees.

Both of which are herewith returned.

The Senate have assented to House bill No. 9, to be entitled, "an act to change the name of Mary Sutherlin to Mary Magness," which is herewith returned.

The Senate have refused to concur in the joint resolution of the House proposing to make the committees of the two Houses on internal improvements joint committees.

Which is herewith returned.

W. L. D. WILLIAMS,
Sec'y of the Senate.

Mr. Moulden offered the following resolution:

Resolved, That the committee on swamp and overflowed lands be requested to enquire into the expediency of reducing the swamp land officers, or the curtailing of the present salaries now allowed by law, and that they report to the House by bill or otherwise.

Which was read and adopted.

Mr. Thorn offered the following resolution:

Resolved, That hereafter it shall be the duty of any member of this House presenting a petition, or any other matter or instrument of writing to the House, to endorse his name on the same.

Which was read and adopted.

Mr. Ederington introduced House bill No. 17, to be entitled, "an act to change the time of holding the county courts of Bradley county."

Which was read a first time.

On motion of Mr. Ederington, the rules were suspended, the bill read a second time, ordered to be engrossed, and made the order of the day for Monday next.

Mr. Holmes introduced House bill No. 18, to be entitled "an act to change the mode of voting in this State from the *viva voce* to the ballot system."

Which was read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Neale introduced House bill No. 19, to be entitled, "an act to increase the pay of jurors and witnesses in Chicot county."

Which was read a first time.

On motion of Mr. Neale, the rules were suspended and the bill read a second time.

Mr. Redmond moved to amend by inserting Monroe county.
“ Edmondson, by inserting Sebastian county.
“ Tuley, “ “ Jefferson “
“ Pettigrew “ “ Sevier “

On motion of Mr. Redmond, the bill and the amendments thereto, were referred to a select committee, consisting of Messrs. Neale, Edmondson, Pettigrew, Redmond and Brown.

Mr. Byrne introduced House bill No. 20, to be entitled “an act to amend sections 9 and 10, article 3, of the Revised Statutes of the State of Arkansas, and to make other and further amendments to the law concerning runaway slaves.”

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended, the bill read a second time, and referred to a select committee, consisting of Messrs. Byrne, Smithson and Johnson.

Mr. Beall introduced House bill No. 21, to be entitled “an act to call in the scrip of Clark county.”

Which was read a first time.

On motion of Mr. Beall, the rules were suspended, the bill read a second and third time and passed.

Mr. Barton introduced House bill No. 22, to be entitled “an act providing for the sale of fractional section 16th, in township six north, of range nine east, in Crittenden county.”

Which was read a first time.

On motion of Mr. Barton, the rules were suspended, the bill read a second and third time and passed.

Mr. Douglas introduced House bill No. 23, to be entitled “an act to amend an act to exempt a homestead from execution, approved December 8th, 1852.”

Which was read a first time.

On motion of Mr. Douglas, the rules were suspended and the bill read a second time.

Mr. Wilson moved to refer said bill to the standing committee on the judiciary—which was lost.

On motion of Mr. Bruton said bill was referred to a select committee composed of one member from each judicial district in the State of Arkansas.

Mr. Beck introduced House bill No. 24, to be entitled “an act to change the time of holding the probate courts in the counties of Izard, Marion and Van Buren.”

Which was read a first time.

On motion of Mr. Beck, the rules were suspended, the bill read a second time, and referred to a select committee of three, consisting of Messrs. Beck, Witt and Flippin.

On motion of Mr. Holmes, Mr. Logan was added to the above named select committee.

Mr. Williams moved to take up a memorial and resolutions instructing our delegation in Congress, etc., in regard to swamp lands.

Which motion was lost.

Mr. Guice introduced House bill No. 25, to be entitled "an act to amend the 2d section of the 29th chapter of the Digest of the Statutes of Arkansas."

Which was read a first time.

On motion of Mr. Guice, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary, by motion of Mr. Redmond.

Mr. Holmes introduced House bill No. 26, to be entitled "an act to amend the road laws of this State."

Which was read a first time.

On motion of Mr. Holmes the rules were suspended, the bill read a second time, and laid on the table, by motion of Mr. Miller.

On motion of Mr. Jones, of Desha, the memorial and resolution instructing our Senators and requesting our Representatives in Congress, to use their best exertions to procure the passage of an act, by Congress, granting to this State certain lands which have been heretofore sold, and remain unconfirmed to the State, was taken up and read a third time, and, on motion of Mr. Williams, adopted.

Mr. Byrne introduced House bill No. 27, to be entitled "an act to amend section 31, chapter 4, of the Revised Statutes of the State of Arkansas, under the head of administration."

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended and the bill read a second time.

Mr. Redmond moved to amend said bill by inserting "guardians," which amendment was accepted by Mr. Byrne, and the bill and amendment referred to the committee on the judiciary.

Mr. Powel introduced House bill No. 28, to be entitled "an act imposing additional duties on County Treasurers."

Which was read a first time.

On motion of Mr. powel, the rules were suspended, the bill read a second time, and referred to a select committee, consisting of Messrs. Powel, Harding and Neale.

Mr. Miller introduced House bill No. 29, to be entitled "an act amendatory of an act entitled an act amendatory of existing laws regulating the landed interests of this State."

Which was read a first time.

On motion of Mr. Miller, the rules were suspended, the bill read a second time, and referred to the committee on swamp lands.

Mr. Butts moved that the number of members added to the standing committee on internal improvements, by a vote of the House, be reduced to three members, as provided for by the 52d rule, adopted for the government of this House at the present session, add that the Clerk of this House be directed by the Chair, to strike from the list of members composing said committee, all that may have been added to said committee over three members; which, on motion of Mr. Jones, of Desha, was laid on the table.

On motion of Mr. Wood, the House went into committee of the whole upon Senate bill No. 3, to be entitled "an act to prevent the advertising, and withhold from sale certain swamp and overflowed lands."

Mr. Wood was called to the chair.

After the committee deliberated a short time on said bill, it arose, when Mr. Wood made the following report:

Mr. Speaker:

The committee of the whole House, to whom was referred Senate bill No. 3, have had the same under consideration, and instructed me to report the same back to the House and ask leave to sit again.

Which report was adopted.

On motion of Mr. Wood, House bill No. 1, entitled "an act to reduce the salaries of the Supreme and Circuit Judges," was taken up and read a third time.

Mr. Stillwell moved to lay said bill on the table.

Mr. Wood called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Austell, Barkman, Barton, Baxter, Beall, Bishop, Brown, Butts, Byrne, Calvert, Desha, Gould, Gregg, Guice, Haggin, Harding, Hill, Hockersmith, Hunter, Jacoway, Jones of Desha, Jones of Lawrence, Macon, Matthews, Montgomery, Neale, Newton, Nunn, Patterson, Pettigrew, Powel, Primm, Puryear, Redmond, Rice, Stillwell, Smithson, Thorn, Tuley, Watson, Williams, Witt and Mr. Speaker—43.

Those members who voted in the negative, are

Messrs. Allen, Beck, Bruton, Bunch, Burgess, Cannon, Douglas, Ederington, Edmondson, Flippin, Gordon, Harris, Holmes, Johnson, Jones of Conway, Jones of Hot Spring, Jernigin, Leslie, Logan, Miller, Morton, Moulden, Norsworthy, Poe, Ramsey, Stringfellow, Terry, Wade, Whinery, Wilson and Wood—31.

So the bill was laid on the table.

On motion of Mr. Byrne, the report of the committee on memorials, together with the memorial and resolution offered heretofore by Mr. Byrne in regard to certain school lands, was taken up and re-committed to a select committee, consisting of Messrs. Byrne, Pettigrew and Bishop.

Mr. Wood introduced House bill No. 30, to be entitled "an act to regulate the pay of Prosecuting Attorneys for this State."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

On motion of Mr. Flippin, the vote of this morning, referring a memorial in regard to swamp and overflowed lands to the committee on memorials, was re-considered and said memorial referred to the committee on swamp lands.

On motion of Mr. Barton, all swamp land bills heretofore introduced were re-committed to the committee on swamp lands.

On motion of Mr. Redmond, the House adjourned until to-morrow morning, 9 o'clock.

SAML. MITCHELL,
Speaker Ho. of Reps.

THURSDAY, *Nov.* 16*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

The Speaker announced, that Messrs. Bruton, Douglas, Baxter, Hockersmith, Harding, Ederington and Byrne, would compose the select committee to whom was referred House bill, entitled "an act to amend an act to exempt a homestead from execution, approved 8th December, 1852."

Mr. Wilson was called to the chair.

Petitions from counties were in order.

Mr. Gordon presented the petition of Robert B. Wilson and others, asking the Legislature to pass an act authorizing Thomas F. Wilson to sell and convey all the lands belonging to the estate of William O. Wslson, for certain purposes.

Which, on motion of Mr. Gordon, was referred to a select committee, consisting of Messrs. Gordon, Rector aud Jacoway.

Reports from standing committees were in order.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill to be entitled an act to amend the 118th chapter of the statutes, under the head of "paupers," have had the same under consideration, and instruct me to report that, upon an ex-examination of said chapter, 118, they deem it inexpedient to amend the same, and therefore, they recommend the rejection of the bill.

Also House bill to be entitled an act to incorporate the Batesville Male and Female Academy, and instruct me to report the following amendment to the same: between the words "law" and "provided," in section one of said bill, insert "with power to sue and be sued, plead and be impleaded, either in law or in equity," and recommend its passage as amended.

Also as regards the petition of John M. Whiteside, praying that the sale of a certain tract of school land purchased by him at such sale, may be legalized. The committee instruct me to report a bill legalizing all such sales as is set forth in said petition, which is herewith submitted, and they recommend the passage of the same.

The committee have also considered House bill to be entitled "an act to authorize Elizabeth Morgan, widow of Evan S. Morgan, deceased, to sell real estate and for other purposes," and to whom was also referred the petition of the said Elizabeth Morgan, accompanying said bill, and instruct me to report that they consider the Legislature of this State has no power to grant the prayer of the petitioner by passing said bill, inasmuch as the property mentioned in said petition, is a right vested in the minor heirs mentioned in said petition, and to authorize the sale of said property, the said bill is intended. They furthermore consider the objects prayed for in said petition, can only be accomplished and perfected before the proper judicial tribunals of the State of Illinois, or before the Legislature of that State, as the case may be. The committee, therefore, are of the opinion that said bill should be rejected, and so recommend.

DESHA, *Ch'n.*

Mr. Barton made the following report:

Mr. Speaker:

The committee on State lands, to whom was referred a resolution requesting our delegation in Congress to use their best efforts to procure the passage of a law authorizing the State of Arkansas to reduce the price of such of the lands donated to the State for internal improvements as yet remain unsold, have instructed me to report that they are of opinion, from an examination of said act, that the Legislature have already a right to reduce the price of said lands, should it be thought expedient. We are further of the opinion, that it is entirely inexpedient to further reduce the price of said lands, as the price is now one dollar and twenty-five cents per acre, payable in five annual installments, and said lands embraced the best selections in the State. The committee, therefore, recommend the rejection of said resolution.

The committee have also had under consideration House bill entitled "an act to graduate the price of the saline lands of this State," and instruct me to report that they are of opinion, that no graduation in the price of said lands should be made, and therefore, recommend its rejection.

BARTON, *Chairman pro tem.*

Reports from select committees were in order.

Mr. Powel made the following report:

Mr. Speaker:

The select committee, to whom was referred House bill entitled "an an act imposing additional duties on County Treasurers," have had the same under consideration, and ask to be be discharged from a further notice of the same.

POWEL, *Ch'n.*

Which report was adopted, and Mr. Powel granted leave to withdraw said bill.

Mr. Byrne made the following report:

Mr. Speaker:

The select committee, to whom was referred the memorial and resolution requesting our delegation in Congress to use their exertions to have the act of Congress, passed and approved January 23d, 1836, in relation to the 16th sections in each township, for the use of schools, so amended and modified as to allow counties, by a majority, to consolidate the proceeds of said 16th sections when they shall have been sold as now provided by law, and use the interest thereof for the use of schools in said county, to be divided and distributed according to scholastic population, have instructed me to report that so far as Lafayette county is concerned, owing to its peculiar situation, it would be well to recommend the adoption of said memorial and resolution.

BYRNE, *Ch'n.*

On motion of Mr. Macon, leave of absence was granted Mr. Harding, on account of indisposition.

Mr. Neale gave notice that he would, on to-morrow, introduce a bill to make a cut-off on the Mississippi river, in Chicot county, through the lands of Marcus F. Johnson.

Mr. Jones of Lawrence, gave notice that he would, on Saturday next, or some day thereafter, introduce a bill to incorporate the "Perkins Institute," in the town of Smithville, in Lawrence county.

Mr. Harris gave notice that he would, on Tuesday next, or some day thereafter, introduce a bill to change the time of holding the probate courts in Calhoun county.

Mr. Neale offered the following resolution:

Resolved, That this House meet regularly every morning at 10 o'clock.

On motion of Mr. Wood, said resolution was laid on the table.

Mr. Jernigin gave notice that he would, on Saturday next, or some day thereafter, introduce a bill to amend the estray law.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 11, to be entitled "an act to change the time of holding the probate court of Jackson county."

Which is herewith returned.

The Senate have refused to concur in the resolution of the House proposing to go into an election of Auditor of Public Accounts on Friday the 17th inst., at 12 o'clock, M.

Which is herewith returned.

The Senate have passed Senate bill No. 6, to be entitled "an act for the relief of James H. Shackleford and others."

Also Senate bill No. 4, to be entitled an "an act to amend an act, approved December 14th, 1852, relating to the redemption of scrip in Madison county."

Also Senate bill No. 7, to be entitled "an act to incorporate the town of Dardanelle, Yell county, Arkansas."

Also Senate bill No. 8, to be entitled "an act to authorize the taking of depositions in the Indian country".

Also Senate bill No. 5, to be entitled "an act for the relief of the counties of Franklin, Union and Calhoun."

All of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS,
Secretary of Senate.

On motion of Mr. Whinery, the orders of the day were taken up.

House bill No. 6, to be entitled "an act to suppress the circulation of small notes in this State," was taken up and read a second time.

Mr. Neale moved to amend said bill by "excluing all notes under five dollars."

Which was adopted.

Mr. Gordon moved to amend by striking out all the clauses of limitations up to the 1st day of March, 1855, and insert six months from the passage thereof.

Which was adopted.

Mr. Redmond moved to amend by inserting sheriffs or other persons.

Which was also adopted, and the bill and amendments thereto, were referred to the committee on ways and means, by motion of Mr. Gordon.

On motion of Mr. Wood, Senate bill entitled "an act to amend an act approved December 14th, 1852, relating to the redemption of scrip of Madison county," was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and, on motion of Mr. Johnson, referred to a select committee, consisting of Messrs. Johnson, Wood and Gregg.

On motion of Mr. Nunn, leave of absence was granted Mr. Poe, on account of indisposition.

Mr. Norsworthy introduced a bill to be entitled "an act to constitute William T. Hardy the legal heir of Floanes S. White."

Which was read a first time.

On motion of Mr. Norsworthy, the rules were suspended, the bill read a second and third time and passed.

Mr. Beall introduced a bill to be entitled "an act to repeal in part, an act to exempt the counties of Van Buren and Conway from the 3d section of the 138th chapter of the late revised Digest, under the head of revenue, approved January 8th, 1849."

Which was read a first time.

On motion of Mr. Beall, the rules were suspended, the bill read a second and third time and passed.

Mr. Desha gave notice that he would, on Monday next, or some day thereafter, introduce a bill authorizing justices of the peace to issue executions upon judgments obtained before justices of the peace, other than themselves."

Mr. Byrne introduced a bill to be entitled "an act to amend sections 62 and 63, chapter 67, of the Digest."

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Speaker resumed the chair.

Mr. Jones of Hot Spring, introduced a bill entitled "an act to call in the scrip of Hot Spring county."

Which was read a first time.

On motion of Mr. Jones of Hot Spring, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Norsworthy introduced a bill to be entitled "an act to amend chapter 102, of the Digest, under the head of marriages."

Which was read a first time.

On motion of Mr. Neale, the bill was laid on the table.

Mr. Allen gave notice that he would, on Monday next, or some day thereafter, introduce a bill to incorporate the town of Hamburg in Ashley county.

Mr. Rector offered the following resolution:

Resolved, That the compensation of the page of the House of Representatives, for the present session, shall be three dollars *per diem.*

Which was adopted.

Mr. Powel introduced a bill to be entitled "an act providing for the payment of one half the value of slaves executed for capital offences."

Which was read a first time.

On motion of Mr. Powel, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Mr. Baxter offered the following resolution:

Resolved, That the chaplain to this House be allowed three dollars *per diem,* as compensation for his services as chaplain.

Which was adopted.

Mr. Douglas was excused from voting on said resolution.

On motion of Mr. Wood, the House adjourned till to-morrow morning 9 o'clock.

SAML. MITCHELL,
Speaker Ho. of Reps.

FRIDAY, *Nov.* 17*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

The following message was received from the Senate, by the hands of their secretary:

Mr. Speaker:

I am instructed to inform your honorable body, that the Senate have passed Senate bill No. 9, to be entitled "an act to legalize the will and testament of Richard D. Owen, deceased."

Also, Senate bill No. 13, to be entitled "an act to authorize and require the legal representatives of Lambert J. Reardon, late State land agent, to deliver to the auditor of public accounts, the books, maps, etc., pertaining to his office, and for other purposes."

Also, Senate bill No. 16, to be entitled "an act for the relief of James J. Baker, late sheriff of Sebastian county."

Which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The Senate have refused to concur in so much of the resolution of the House of Representatives as proposes to make the committees of the two Houses of this General Assembly on ways and means, and on banks, joint committees, but have concurred in said resolution, so as to make the committee of each House on auditor's and treasurer's books, joint committees.

Which resolution is herewith returned.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Speaker announced that petitions from counties were in order.

Mr. Speaker laid before the House a communication from John Anthon, president of the New York Law Institute, praying the legislature to donate certain public acts and statutes to the New York Law Institute.

Which, on motion of Mr. Desha, was referred to the committee on the judiciary.

Mr. Speaker announced that reports of standing committees were in order.

Mr. Jones of Desha, made the following report:

Mr. Speaker:

The committee on swamp lands and drains to whom was referred the resolutions of the House instructing and requesting our Senators and Representatives in Congress, to use their influence to procure the passage of a law authorizing the State of Arkansas to dispose of the swamp and overflowed lands donated to the State by "an act of Congress, appoved September 28th, 1850," in such manner as she may think most conducive to her own interest, have had the same under consideration, and instructed me to report back and recommend its rejection.

Also House bill No. 29, to be entitled "an act amendatory of an act entitled an act amendatory of existing laws regulating the landed interest of the State," and instructed me to report the same back to the House and recommend its rejection.

Also, the resolution of the House "That the committee on swamp lands be requested to enquire into the expediency of reducing the number of swamp land offices, or the curtailing of the present salaries now allowed by law, and that they report to the House by bill or otherwise," have instructed me to report that they deem it inexpedient to take any action in the premises at the present time.

Also, Senate bill No. 3, together with the reports of the committee on the judiciary, and all other amendments, and have instructed me to report back to the House and recommend the passage of the original bill as amended by the majority report of the committee on the judiciary and the rejection of all other amendments, or amendments to amendments.

JONES, of Desha, *Ch'm.*

Mr. Wood made the following report.

Mr. Speaker:

The committee on memorials, to whom was referred the petition of E. H. Heatherston and divers other citizens of Scott county, have had the same under consideration, and beg leave to report a bill, which is herewith presented, and recommend its passage.

WOOD, *Ch'm.*

House bill No. 37, to be entitled "an act for the benefit of George Hughs, a citizen of Scott county, Arkansas."

Was read a first time.

Mr. Speaker announced that reports from select committees were in order.

Mr. Puryear from a select committee on mileage made the following report:

Mr. Speaker:

The select committee on mileage, to whom was referred the resolution of the House instructing your committee to ascertain the distance from the seat of justice in each county in this State, to Little Rock, ask leave to report that they have performed the duties required by said resolution, and submit the following as the result of their labors, to wit:

From the county seat of Arkansas county to Little Rock, 110 miles.

From the county seat of Ashley county to Little Rock, 150 miles.

From the county seat of Benton county to Little Rock, 225 miles.

From the county seat of Bradley county to Little Rock, 110 miles.

From the county seat of Carroll county to Little Rock, 200 miles.

From the county seat of Chicot county to Little Rock, 150 miles.

From the county seat of Clark county to Little Rock, 90 miles.

From the county seat of Conway county to Little Rock, 50 miles.

From the county seat of Crittenden county to Little Rock, 150 miles.

From the county seat of Crawford county to Little Rock, 170 miles.

From the county seat of Calhoun county to Little Rock, 115 miles.

From the county seat of Dallas county to Little Rock, 80 miles.

From the county seat of Desha county to Little Rock, 140 miles.

From the county seat of Drew county to Little Rock, 110 miles.

From the county seat of Franklin county to Little Rock, 140 miles.

From the county seat of Fulton county to Little Rock, 160 miles.

From the county seat of Green county to Little Rock, 180 miles.

From the county seat of Hempstead county to Little Rock 125 miles.

From the county seat of Hot Spring county to Little Rock 50 miles.

From the county seat of Independence county to Little Rock, 100 miles.

From the county seat of Izard county to Little Rock, 125 miles.

From the county seat of Jackson county to Little Rock 110 miles.

From the county seat of Jefferson county to Little Rock, 50 miles.

From the county seat of Johnson county to Little Rock, 110 miles.

From the county seat of Lafayette county to Little Rock, 160 miles.

From the county seat of Lawrence county to Little Rock, 150 miles.

From the county seat of Madison county to Little Rock, 200 miles.

From the county seat of Marion county to Little Rock, 150 miles.

From the county seat of Mississippi county to Little Rock, 230 miles.

From the county seat of Monroe county to Little Rock, 85 miles.

From the county seat of Montgomery county to Little Rock, 100 miles.

From the county seat of Newton county to Little Rock, 150 miles.

From the county seat of Ouachita county to Little Rock, 125 miles.

From the county seat of Perry county to Little Rock, 50 miles.

From the county seat of Phillips county to Little Rock, 120 miles.

From the county seat of Pike county to Little Rock, 120 miles.

From the county seat of Poinsett county to Little Rock, 160 miles.

From the county seat of Polk county to Little Rock, 160 miles.

From the county seat of Pope county to Little Rock, 85 miles.

From the county seat of Prairie county to Little Rock, 27 miles.

From the county seat of Pulaski county to Little Rock, 00 miles.

From the county seat of Saline county to Little Rock, 25 miles.

From the county seat of Searcy county to Little Rock, 125 miles.

From the county seat of Sevier county to Little Rock, 150 miles.

From the county seat of St. Francis county to Little Rock, 115 miles.

From the county seat of Sebastian county to Little Rock, 175 miles.

From the county seat of Scott county to Little Rock, 160 miles.

From the county seat of Union county to Little Rock, 150 miles..

From the county seat of Van Buren county to Little Rock, 80 miles.

From the county seat of Washington county to Little Rock, 200 miles.

From the county seat of White county to Little Rock, 53 miles.

From the county seat of Yell county to Little Rock, 90 miles.

Your committee would further represent that the above report is, as we believe, correct or nearly so. All of which is respectfully submitted.
PURYEAR, *Ch'm.,*
Select Committee.

Said above report was then adopted.

Mr. Gordon from the select committee, to whom was referred the petition of Thomas F. Wilson and others, reported back to the House a bill to be entitled "an act authorizing and empowering Thomas F. Wilson, administrator of the estate of William O. Wilson, deceased, to sell certain real estate," and recommended its passage.

Which bill was then read a first time.

On motion of Mr. Gordon the rules were suspended; the bill read a second and third time and passed.

Mr. Byrne made the following report:

Mr. Speaker:

The select committee to whom was referred House bill entitled "an act to amend sections 9 and 10, article 3 of the Digest, and to make other amendments to the law concerning runaway slaves;" have had the same under consideration, and instruct me to report that they recommend the passage of said bill without amendment.
BYRNE, *Ch'm.*

Mr. Beck made the following report:

Mr. Speaker:

The select committee to whom was referred House bill entitled "an act to change the time of holding the probate courts of Izard, Marion and Van Buren counties;" have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

BECK, *Chairman.*

Mr. Neale made the following report:

Mr. Speaker:

The select committee to whom was referred a bill entitled "an act to increase the pay of jurors and witnesses of Chicot and Monroe counties," have instructed me to report the bill with the following amendment, and recommend its passage: "section first, amend by inserting the words 'grand and petit' between the words 'all' and 'jurors'. Section 2d, amend by adding "and all jurors and witnesses before justices of the peace, shall be entitled to receive fifty cents per day, to be taxed and collected as other costs,' and by inserting in said bill the counties of Jefferson and Sebastian." NEALE, *Ch'm.*

Motions and resolutions were in order.

Mr. Tuley was called to the chair.

Mr. Wood offered the following resolution:

Resolved, That the committee on ways and means be requested to enquire into the expediency of reducing the rate of taxation in this State, and that they be instructed to report by bill or otherwise.

Which was adopted.

Mr. Gregg offered the following resolution:

Resolved, That the clerks of this House receive the same compensation for their services that they did during the last session of the legislature of this State.

Which was adopted.

Mr. Butts gave notice that he would, on Monday next, or some day thereafter, introduce a bill to release all men over forty-five years old from paying a poll tax.

Mr. Stillwell gave notice that he would, on Monday next introduce a bill to amend the road laws of this State. Also, a bill to compensate John C. Peay, for certain services.

On motion of Mr. Wilson, leave of absence was granted Mr. Moulden.

Mr. Guice introduced a bill entitled "an act to repeal the 80th and amend the 72d and 73d sections of the 140th chapter of the Digest of the Statutes of Arkansas."

Which was read a first time.

Mr. Smithson introduced a bill to be entitled "an act to authorize Washington county to procure field notes and maps."

Which was read a first time.

Mr. Wood introduced a bill to be entitled "an act to repeal so much of chapter 90 of the Digest, as legalizes conventional interest."

Which was read a first time.

On motion of Mr. Wood the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Stringfellow inttoduced a bill to be entitled "an act to suppress the empirical practice of medicine in this State."

Which was read a first time.

Mr. Bruton introduced a bill to be entitled "an act for the better arranging the assessing and collecting of the revenue of this State."

Which was read a first time.

On motion of Mr. Bruton the rules were suspended, the bill read a second time, and on motion of Mr. Williams, referred to the committee on ways and means.

Mr. Logan introduced a bill to be entitled "an act to change the time of holding the probate court of Scott county."

Which was read a first time.

On motion of Mr. Rector the rules were suspended, the bill read a second time, and on motion of Mr. Gregg, the rules were again suspended, the bill read a third time and passed.

Mr. Stillwell introduced a bill to be entitled "an act for the benefit of actual settlers upon lands forfeited to the State for the non-payment of taxes."

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second time, and on motion of Mr. Redmond, referred to the committee on the judiciary:

Mr. Rector offered the following resolution:

Resolved, That the standing committee on ways and means be instructed to enquire into the expediency of establishing by law the office of State Geologist, and report by bill or otherwise.

Which was adopted.

Mr. Baxter gave notice that he would, on Monday next, or some day thereafter, introduce a bill to authorize the voters in each county in this State to suppress the retailing of spiritous and vinous liquors, in their counties.

Mr. Guice introduced a bill to be entitled an act to compensate jurors and witnesses in the county of Drew, for attending courts of record.

Which was read a first time.

On motion of Mr. Guice, the rules were suspended, the bill read a second time, and on motion of Mr. Gordon, referred to the committee on ways and means.

Mr. Beall introduced a bill to be entitled an act for the benefit of jurors in Clark county.

Which was read a first time.

On motion of Mr. Beall the rules were suspended, the bill read a second and third time and passed.

Mr. Matthews introduced a bill to be entitled an act to authorize the sale of choses in action by executors and administrators, in certain cases.

Which was read a first time.

Mr. Miller introduced a bill to be entitled an act to amend an act in relation to common schools.

Which was read a first time.

On motion of Mr. Miller, the rules were suspended, the bill read a second time and referred to the committee on education.

Mr. Neale introduced a bill to be entitled an act to authorize Marcus F. Johnson, to make a cut off at Bell Point, in the Mississippi river, in Chicot county.

Which was read a first time.

On motion of Mr. Neale the rules were suspended, the bill read a second time and referred to the select committee consisting of Messrs. Neale, Jones of Desha, Macon, Guice and Allen.

Mr. Nunn offered the following resolution:

Resolved, That 200 copies of a bill entitled an act to suppress the empirical practice of medicine in this State, be printed for the use of this House.

Which was lost.

On motion of Mr. Nunn, House bill, entitled an act to suppress the empirical practice of medicine in this State, was taken up, the rules suspended, the bill read a second time, and on motion of Mr. Stringfellow, referred to a select committee, consisting of Messrs. Stringfellow, Nunn, Redmond, Byrne and Rice.

Mr. Wilson offered the following resolution:

Resolved, That the committee on ways and means be requested to enquire into the expediency of introducing a general appropriation bill at as early a day as convenient, so that the members of this House may have an early opportunity of examining the same.

Which was adopted.

Mr. Jones of Lawrence introduced a bill to be entitled an act to modify and amend the existing road law now in this State.

Which was read a first time.

On motion of Mr. Jones of Lawrence, the rules were suspended, the bill read a second time, and

On motion of Mr. Guice, referred to the committee on internal improvements.

Mr. Speaker resumed the chair.

Mr. Powel introduced a bill to be entitled an act imposing additional duties on the county treasurer of Union county.

Which was read a first time.

On motion of Mr. Powel, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Powel, Gregg and Brown.

Mr. Williams introduced a bill to be entitled an act to increase the compensation of jurors in Prairie and other counties.

Which was read a first.

On motion of Mr. Williams the rules were suspended, and the bill read a second time.

Mr. Baxter moved to amend said bill by striking out all the names of counties and insert the State of Arkansas.

Which, on motion of Mr. Johnson, was laid on the table.

Mr. Butts moved to amend by adding Johnson county, Mr.

Gould by adding Pike county, and Mr. Witt by adding Van Buren county, all of which amendments were agreed to.

Mr. Stillwell moved to amend section 1st by inserting after petit jurors, "and jurors in all civil and criminal cases other than the regular panel."

Mr. Bruton moved to amend said last amendment by adding, "when detained over one day."

Which was agreed to, and the amendment as amended adopted.

On motion of Mr. Williams, the bill together with the amendments, was then referred to a select committee consisting of Messrs. Williams, Stillwell and Bruton.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 6, to be entitled, "an act to amend the charter of the town of Pine Bluff."

Which is herewith returned.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Primm moved to adjourn, which was lost.

On motion, Mr. Butts had leave of absence until Monday morning next.

Mr. Byrne introduced a bill to be entitled, "an act to amend section 3, chapter 17 of the statutes, and to make other and further amendments to the attachment law."

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

On motion of Mr. Gregg, Senate bill No. 3, together with the amendments proposed by the majority report of the judiciary committee, was taken up.

On motion of Mr. Wood, the rules were suspended, the bill and the amendments read a third time and passed.

On motion of Mr. Poe, the house adjourned until to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

SATURDAY, *Nov.* 18*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Mr. Hockersmith presented the petition of George W. and

Augustus Goolsby, praying the legislature to pass an act giving them additional compensation for pursuing, arresting and bringing to justice Joseph Ezell and William Bays, persons charged to have murdered Terrel Goolsby, in Saline county.

Which, on motion of Mr. Hockersmith, was referred to the committee on claims.

The chair announced that reports from standing committees were in order.

Mr. Redmond, from the committee on ways and means, made the following report:

Mr. Speaker:

The committee to whom was referred House bill No. 4, with amendments, have had the same under consideration, and recommend me to report it back favorably and recommend the passage of the bill as amended.

Also House bill No. 33, and added section 4th, and a majority of said committee instruct me to report the same back and recommend the passage of the bill as amended.

REDMOND, *Chairman.*

Mr. Johnson made the following report:

Mr. Speaker:

The committee on claims to whom was referred the petition of Samuel W. Peel and George W. Lovell, asking additional compensation for the arrest of one William Johnson, an escaped convict from the jail and penitentiary of this State, have had the same under consideration, and instruct me to report the same back to the House and recommend that no additional compensation be allowed them. JOHNSON, *Ch'n.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred House bill entitled, "an act to call in the scrip of Hot Spring county," have had the same under consideration, and instruct me to report that the statutes sufficiently provide for the calling in the scrip of counties, and therefore they deem it inexpedient to pass said bill, and recommend to the House its rejection.

Also House bill entitled "an act to amend chapter 16, of the Digest under the head of attachments before justices of the peace," and instruct me to report back to the House as a substitute for said bill, a bill to be entitled, "an act to amend in part the 16th chapter of the Digest of the statutes of Arkansas, under the head of attachments before justices of the peace," and recommend the passage of said substitute in lieu of said bill.

Also House bill entitled, "an act to amend 2d section of the 29th chapter of the Digest," and instruct me to report the same back to the House and recommend its rejection.

Also House bill entitled, "an act to regulate the pay of prosecuting attorneys," and instruct me to report back to the House that they deem it inexpedient to make any changes in the pay of prosecuting attorneys, and therefore recommend its rejection.

DESHA, *Chairman.*

Mr. Johnson made the following report:

Mr. Speaker:

The select committee to whom was referred Senate bill entitled, "an act to amend an act, approved Dec. 14th, 1852, relating to the redemption of scrip of Madison county," have had the same under consideration, and recommend its passage.

JOHNSON, *Chairman.*

Mr. Stringfellow made the following report:

Mr. Speaker:

The select committee to whom was referred House bill entitled, "an act to suppress the empirical practice of medicine in this State," have had the same under advisement, and instruct me to report that they recommend the passage of said bill, with the following amendments: fill up the blanks in section 3d of said bill by inserting "five boards of physicians," instead of "blank or more," and insert "Helena, Batesville and Fayetteville;" amend section 7th so as to make the same read thus, "any court having jurisdiction," instead of "any court of record in this State," and amend section 13th by making said section read thus, "Be it further enacted, That this act shall not be so construed as to effect any person engaged in the practice of medicine in this State, and this act take effect from and after the 1st Monday in May next."

STRINGFELLOW, *Chairman.*

On motion of Mr. Redmond, 300 copies of said above bill were ordered to be printed for the use of the House.

Motions and resolutions were in order.

Mr. Allen gave notice that he would, on Tuesday next, or some day thereafter, introduce a bill for "the relief of Malachi Willis, of Ashley county, State of Arkansas."

Mr. Pettigrew offered the following resolution:

Resolved, That the committee on the judiciary be instructed to examine section 1st, article 6th, chapter 51, under the head of criminal law, and report as to the expediency of amending said section so as to make it an indictable offence to injure or destroy any merchandize or household furniture.

Which was adopted.

Mr. Pettigrew also offered the following resolution:

Resolved, That the committee on swamp lands be instructed to enquire into the expediency of repealing in part the 35th section of "an act amendatory of existing laws regulating the landed interests of this State," so as to admit any citizen living, and whose residence and farm is near any swamp land belonging to this State, to cut and haul away timbers off of said land for building and farming purposes."

Which was read and approved.

Mr. Flippin gave notice that he would, on Monday next, or some day thereafter, introduce a bill to repeal an act entitled an act the better to define the western boundary line of Izard county, approved the 24th day of December, 1840, reducing the county of Marion below the constitution area of square miles.

On motion of Mr. Barkman, leave of absence was granted Mr. Beall on account of the indisposition of his family.

The orders of the day were taken up.

House resolution instructing our delegation in Congress to use their best exertions to procure the passage of a law by Congress authorizing the State of Arkansas to reduce the price of such of the lands donated to this State for internal improvement purposes, as yet remain unsold, was taken up, and

On motion of Mr. Wilson, the report of the committee on State lands recommending the rejection of said resolution was adopted.

House bill No. 5, to be entitled, "an act to authorize Elizabeth Morgan, widow of Evan S. Morgan, deceased, to sell certain real estate, and for other purposes," was taken up, and the report of the judiciary committee recommending the rejection of said bill was adopted.

The chair decided that the adoption of a report recommending the rejection of a bill was tantamount to the defeat of such bill.

Mr. Whinery appealed from the decision of the chair, whereupon the question was submitted to the House, and the chair sustained.

On motion of Mr. Smithson, the vote adopting the above report was reconsidered, and House bill No. 5, together with the report and memorial accompanying said bill,

On motion of Mr. Redmond, was made the order of the day for Tuesday next, in committee of the whole House.

The following message was received from the Senate, by the hands of their secretary:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 38, entitled "an act authorizing and empowering Thomas F. Wilson, administrator of the estate of William O. Wilson, deceased, to sell certain real estate."

Which is herewith returned.

W. L. D. WILLIAMS,
Secretary Senate.

Also the following message:

Mr. Speaker:

I have the honor to announce to your honorable body that the Senate have assented to House bill No. 30, to be entitled "an act to amend an act to constitute William T. Hardy the lawful heir of Floanes S. White."

Which is herewith returned.

The Senate have adopted a joint resolution instructing the Secretary of State to transmit authenticated copies of all memorials and resolutions to the Congress of the United States, to our delegation in Congress, as soon as they may pass the General Assembly and receive the signature of the Speaker of the House, the President of the Senate, and the approval of the Governor.

Which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

The Senate have assented to the joint resolution of the House, to instruct and request the attorney general to issue a writ of *quo warranto* against the Memphis and St. Francis plank road company, calling upon said company to show by what authority they have built and erected toll gates across the military road in Crittenden county, and by what authority they are demanding and receiving toll of emigrants and others passing through the same.

Which is herewith returned.

The Senate have refused to assent to House bill No. 16, to be entitled, "an act to call in the scrip of Clark county."

Which is herewith returned.

W. L. D. WILLIAMS,
Secretary Senate.

House bill No. 39, to be entitled "an act to increase the pay of jurors and witnesses of Chicot county," was taken up, the amendments heretofore reported to said bill were adopted, and

On motion of Mr. Neale, said bill was ordered to be engrossed for a third reading on Monday next.

House bill No. 31, to be entitled "an act to legalize the sale of certain school lands in the State of Arkansas," was taken up, read a second time, and

On motion of Mr. Cannon, ordered to be engrossed for a third reading on Monday next.

House bill No. 7, entitled "an act to graduate the saline lands of this State," was taken up, and leave granted Mr. Bruton to withdraw the same.

House bill No. 10, to be entitled "an act to amend the 118th chapter of the statutes of Ardansas, under the head of paupers," was taken up and leave granted Mr. Pettigrew to withdraw said bill.

House bill No. 13, to be entitled, "an act to incorporate the Batesville Male and Female Academy," was taken up, the amendments heretofore reported to said bill were adopted, and

On motion of Mr. Montgomery, ordered to be engrossed for a third reading on Monday next.

Mr. Jacoway was called to the chair.

House resolution instructing the judiciary committee to enquire into the expediency of amending the law in relation to taxing lands that may be assessed at their true value regardless of any improvement thereon, was taken up, and said resolution rejected.

House resolution in regard to referring that portion of the Governor's message in relation to the supreme court of Texas, to the judiciary committee, was taken up and rejected.

Senate bill, to be entitled "an act for the relief of J. H. Shackleford and others, was taken up and read a first time.

Senate bill, to be entitled "an act to incorporate the town of Dardanelle, in Yell county," was taken up and read a first time.

On motion of Mr. Wilson, the rules were suspended, the bill read a second time and referred to a select committee consisting of Messrs. Wilson, Gregg and Jacoway.

Senate bill, to be entitled "an act for the relief of the counties of Franklin, Union and Calhoun," was taken up and read a first time.

On motion of Mr. Johnson, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Johnson, Harris and Powel.

Mr. Patterson offered the following preamble and resolutions:

Whereas, The Congress of the United States, at its last session, donated to the city of Memphis the "navy yard" which has been established and built up at that city, at a cost to the government of the United States of one million of dollars.

And whereas, the city of Memphis, after accepting said Navy Yard, resolved to reconvey the same to the United States, upon condition that it should be made a naval depot for the construction and repair of vessels of war; and whereas, the Hon. Secretary of the Navy has postponed the sale of the equipments and moveable property of said Navy Yard for the further and more deliberate action of the Congress of the United States in the premises, therefore

Be it resolved by the Senate and House of Representatives of the General Assembly of the State of Arkansas, That we commend the patriotism and liberality of the citizens of Memphis in thus divesting themselves of such a munificent gift.

Resolved, That the establishment of a naval depot, on the Mississippi river, for the construction and repair of vessels of war, is, as has been shown by Lieutenant Maury, and other distinguished officers of the navy, of vast importance to our national defence.

Resolved, That a copy of these resolution be transmitted by the Governor to each of our Senators and Representatives in Congress, and that our Senators be instructed, and our Representatives requested, to use all proper exertions to procure the acceptance of the Memphis Navy Yard by the government of the United States.

Which was read a first time.

On motion of Mr. Patterson, the rules were suspended, the resolutions read a second time, and referred to a select committee, consisting of Messrs. Redmond, Patterson, Harding, Rector and Montgomery.

Senate bill, to be entitled "an act to authorize the taking of depositions in the Indian country," was taken up, and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and, on motion of Mr. Gregg, referred to the committee on the judiciary.

Senate bill, entitled "an act for the relief of James J. Baker, late sheriff of Sebastian county," was taken up, and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and referred to the committee on claims.

Mr. Speaker resumed the chair.

Mr. Bruton introduced a bill to be entitled "an act supplementary to an act entitled 'an act to attach a part of the county of Van Buren to the county of Pope,'" approved January 12th, 1853.

Which was read first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second and third time, and passed.

Mr. Rector proposed the following amendment to the constitution, to wit:

1st. The Secretary of State shall be elected by the qualified voters of this State, and shall hold his office for the term of four years, and until his successor is elected and qualified.

2d. The Auditor and Treasurer shall be elected by the qualified voters of this State, shall hold their office for the term prescribed by law, and until their successors are elected and qualified.

3d. The Chief Justice of this State, and the Associate Judges of the Supreme Court, shall be elected by the qualified voters of this State, and hold their offices for the term prescribed by law and until their successors are elected and qualified.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred the joint resolution of the House, in regard to the "Memphis and St. Francis pland road company," have had the same under consideration, and instruct me to report back to the House that, in the opinion of the committee, it is inexpedient to pass said resolution in its present form, but have instructed me to report back to the House in lieu of said resolution, the annexed substitute and recommend to the House the rejection of the original resolution, and further recommend the adoption of said annexed substitute, to-wit:

WHEREAS, It appears from the report of the commissioners appointed by the county courts of Crittenden and St. Francis counties, in this State, in conformity to an act of the General Assembly of the State of Arkansas, "entitled an act to amend an act entitled an act to incorporate the Memphis and St. Francis Plank Road Company, approved January 10th, 1851, and for other purposes," approved 4th January, 1853, now on file in the office of Secretary of State, that the Memphis and St. Francis Plank Road Company, have failed to comply with the provisions of their amended charter; and whereas, it appears to this General Assembly, from petitions which have been presented to them by emigrants, moving to this State and to Texas, as well as from complaints which have been made to them by citizens of this State, and more particularly by those citizens residing in the immediate section of country through which said road passes, that the said company have not only failed to comply with the provisions and conditions of said amended charter but are constantly in the habit of charging and exacting from citizens of this State, and from emigrants and travelers to this State and to Texas, traveling along said road, the most unjust, illegal and exorbitant rates of toll; and whereas, such conduct is calculated to injure the reputation and character of the citizens of this State, as well as the character of the State, in her sovereign capacity as a State, in the minds of those traveling and emigrating upon said road, and by the toleration of which conduct, we are injured in the eyes of our sister States; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That they consider the Memphis and St. Francis Plank Road Company as an oppressive nuisance to the traveling community and to the State.

Be it further resolved, That this General Assembly do hereby express their most solemn disapprobation of the unjust and illegal conduct of said company, and do condemn in the most signal manner the same, and express the hope that the conduct of that company in making such unjust and illegal charges of toll upon emigrants and others, and in failing to comply with the conditions of their charter in building said road, may be promptly examined into by the proper judicial tribunal, by reason of the writ of quo warranto, which this General Assembly has resolved shall be issued against them.

Which was read a first time.

On motion of Mr. Wood, House bill No. 37, to be entitled "an act for the benefit of George Hughs, a citizen of Scott county," was taken up and read a second time.

Mr. Williams moved to amend by inserting the name of William Irwin, of Prairie county.

Mr. Norsworthy, by inserting the name of Francis M. Davis, of Green county.

Mr. Hunter, by inserting the name of Wm. I. Mare, of Randolph county.

All of which amendments were agreed to, and the bill and the amendments, on motion of Mr. Wood, referred to the committee on ways and means.

On motion of Mr. Baxter, the report of the judiciary committee, in relation to the Memphis and St. Francis Plank Road Company, was taken up and adopted.

On motion of Mr. Bruton the rules were suspended, and the resolution accompanying said last mentioned report, was read a second and third time and adopted.

On motion of Mr. Williams, 100 copies of the proposed amendments to the constitution, were ordered to be printed for the use of this House.

Mr. Powel, from a select committee, made the following report:

Mr. Speaker:

The select committee of three, to whom was referred House bill No. 53, to be entitled "an act imposing additional duties upon the treasurer of Union county," have had the same under consideration, and have instructed me to report the same back to the House without amendment, and recommend its passage.

POWEL, *Chairman.*

Which report, on motion of Mr. Smithson, was adopted.

On motion of Mr. Holmes, the House adjourned until Monday morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

MONDAY, *November 20th,* 1854.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday read and approved.

Petitions from counties were in order.

Mr. Pettigrew presented the petition of sundry citizens of Sevier county, asking the legislature to pass such a law or laws as will prohibit or curtail the sale of spirituous liquors.

Which, on motion of Mr. Pettigrew, was referred to the committee on memorials.

Mr. Macon presented the petition of sundry citizens owning lands on or near the Mississippi river, in the county of Chicot, remonstrating against the passage of a bill entitled an act to make a cut off in the Mississippi river, through the farm of Marcus F. Johnson, in Chicot county.

Which, on motion of Mr. Neale, was referred to the select committee already raised for the consideration of the same subject.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House resolution enquiring into the expediency of reporting a general appropriation bill at an early day, have had the same under consideration, and instruct me to report the same back to the House, that they deem it inexpedient to report a general appropriation bill at this early day of the session.

REDMOND, *Chairman.*

Mr. Redmond also made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 44, to be entitled "an act for the better arranging the assessing and collecting of the revenue of this State," have had the same under consideration, and have instructed me to report the same back to the House and recommend its rejection.

The committee on ways and means have also considered House bill No. 47, to be entitled "an act to compensate jurors and witnesses attending courts of record in Drew county," and instruct me to report the same back to the House and recommend its passage.

REDMOND, *Chairman.*

Mr. Hill made the following report:

Mr. Speaker:

Your committee on banks, by an arrangement made by a similar committee on the part of the Senate, undertook to investigate the condition of the Real Estate Bank, having had the same under consideration, beg leave to report that the trustees of said bank, as well as the cashier, offered your committee every facility to investigate the condition of said bank, and the acts of the officers in connection with the bank. But your committee do not consider it expedient or advisable to continue the investigation during the pendency of a suit instituted by his Excellency, the Governor, against the trustees of the Real Estate Bank, by which the affairs of the bank and the acts and doings of those who have it in charge, will all undergo judicial investigation; they therefore ask to be discharged from the further consideration of this subject, and beg leave to offer in conclusion, the following:

Resolved, That that portion of the Governor's message in reference to the suit instituted against the trustees of the Real Estate Bank, be referred to a select committee of five, and that said committee be instructed to enquire into the expediency and propriety of furnishing means for the prosecution of said suit, and that said committee be further instructed to enquire whether any appropriations are necessary to pay any judgment already obtained against the State or the State Bank, or which will be probably obtained before the next session of the legislature (to prevent the sacrifice of valuable property), and that said committee be empowered to send for persons and papers, and that they be required to report at an early day.

Which is respectfully submitted.

HILL, *Chairman.*

Mr. Johnson made the following report:

Mr. Speaker:

The select committee, to whom was referred Senate bill No. 5, have had the same under consideration, and intruct me to report the same back to the House and recommend its passage.

JOHNSON, *Chairman.*

The following message was received from the Senate:

Mr. Speaker:

I have the honor to inform your honorable body that the Senate have assented to House bill to be entitled "an act to repeal in part, an act passed January 8th, 1849, in relation to the county tax of Clark county."

Also, to House bill No. 45, entitled "an act to change the time of holding the probate court of Scott county."

Also, to House bill No. 8, to be entitled "an act to change the time of holding the probate court of Poinsett county."

The Senate have refused to assent to House bill No. 21, entitled "an act to call in the scrip of Clark county."

All of which are herewith returned.

W. L. D. WILLIAMS,
Sec'y of the Senate.

Motions and resolutions were in order.

Mr. Wood offered the following resolution:

Resolved, That the Governor of this State be, and he is hereby requested to furnish this House all the information in his possession in relation to what amount and kind of arms this State is entitled to.

Which was read and adopted.

Mr. Hockersmith offered the following resolution:

Resolved, That the committee on swamp and overflowed lands be instructed to enquire into and report as to the expediency of amending the swamp land laws, so as to limit persons who may enter such lands to a definite number of acres not to exceed 640 acres to any individual or company, in order to prevent speculation.

Which was adopted.

Mr. Williams gave notice that he would, on to-morrow, or some convenient day thereafter, introduce a bill to be entitled "an act to amend an act entitled an act, revising the common school system of the State of Arkansas," approved 11th January, A. D. 1853.

Mr. Byrne gave notice that he would, on to-morrow, or some day thereafter, introduce a bill for the benefit of jurors in Columbia county, and for the benefit of witnesses in the counties of Lafayette and Columbia.

Mr. Hill offered the following resolution:

Resolved, That the clerk of the House bank committee be allowed the sum of $5 per day, for his services, and he is hereby allowed and authorized to draw the same.

Mr. Miller moved to amend said resolution by inserting $3 per day, in lieu of $5.

Mr. Wilson moved to amend the amendment by inserting $5 per day, from the time of his election by the bank committee until the time of the report of the same to this House.

Which resolution and amendments were laid on the table for the present, by motion of Mr. Patterson.

Mr. Stillwell introduced House bill No. 56, to be entitled "an act to compensate John C. Peay, sheriff of Pulaski county, for certain services."

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second time and referred to the committee on claims.

Mr. Allen introduced House bill No. 57, to be entitled "an act to incorporate the town of Hamburg, in Ashley county, State of Arkansas."

Which was read a first time.

On motion of Mr. Allen, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Allen, Holmes and Powel.

Mr. Jones of Lawrence, introduced House bill No. 58, to be entitled "an act to incorporate the Perkins Institute, in the town of Smithville, in Lawrence county."

Which was read a first time.

On motion of Mr. Jones of Lawrence, the rules were suspended the bill read a second time and referred to a select committee, consisting of Messrs. Jones of Lawrence, Nunn, Hunter, Desha and Montgomery.

On motion of Mr. Logan, leave of absence was granted Mr. Rector, on account of indisposition.

On motion of Mr. Miller, leave of absence was granted Mr. Tuley, for the same cause.

Mr. Jones of Desha, introduced a bill to be entitled "an act to amend an act entitled an act amendatory of existiug laws regulating the landed interests of this State."

Which was read a first time.

On motion of Mr. Jones of Desha, the rules were suspended, the bill read a second time and referred to the committee on swamp lands.

Mr. Matthews presented the report of the internal improvement commissioner of Union county.

Which was referred to the committee on internal improvements.

Mr. Speaker presented the report of the internal improvement commissioner of Arkansas county.

Which was referred to the committee on internal improvements.

Mr. Barton introduced a bill to be entitled "an act to prevent the building of dams across bayous or other streams in Crittenden county."

Which was read a first time.

On motion of Mr. Barton, the rules were suspended, the bill read a second time and referred to the committee on swamp lands.

Mr. Desha introduced a bill to be entitled "an act for the benefit of George W. Lovell and Samuel W. Peel of Independence county."

Which was read a first time.

Mr. Desha also introduced a bill to be entitled an act to grant a charter to James H. Patterson and James F. Saffold, for the purpose of making a turn pike road across the Departee swamp, immediately back of the town of Grand Glaize, in Jackson county, Arkansas, and to erect a toll gate on the same, and also to build a bridge across Departee creek, at the point where said turn pike road crosses the same."

Which was read a first time.

On motion of Mr. Desha the rules were suspended, the bill read a second time and referred to committee on internal improvements.

Mr. Edmondson introduced a bill to be entitled "an act in relation to swamp and overflowed lands."

Which was read a first time.

On motion of Mr. Edmondson, the rules were suspended, the bill read a second time and referred to the committee on swamp lands.

Mr. Patterson introduced a bill to be entitled "an act to secure the tax on all taxable lands."

Which was read a first time.

On motion of Mr. Patterson, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Mr. Patterson also introduced a bill to be entitled "an act to amend sections 8, 9 and 13, chapter 95 of the Digest of Arkansas."

Which was read a first time.

On motion of Mr. Patterson, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Pettigrew introduced a bill to be entitled "an act to increase the pay of grand and petit jurors, and the pay to jurors summoned before justices of the peace in sevier county."

Which was read a first time.

On motion of Mr. Pettigrew, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

The orders of the day were taken up.

House bill No. 17, to be entitled "an act to change the time of holding the county courts of Bradley county," was taken up, read a third time and passed.

House bill No. 13, to be entitled "an act to incorporate the Batesville Male and Female Academy," was taken up, read a third time and passed.

House bill No. 39, to be entitled, "an act to increase the pay of jurors and witnesses of Chicot county," was taken up, read a third time and passed.

Senate bill No. 4, entitled "an act to amend an act approved Dec. 14th, 1852, relating to the redemption of scrip of Madison county," was taken up, read a third time and passed.

House bill No. 40, to be entitled "an act to repeal the 80th chapter, and to amend the 72d and 73d sections of the 140th chapter of the Digest," was taken up, read a second time and

On motion of Mr. Morton, referred to a select committee consisting of Messrs. Morton, Johnson and Terry.

On motion of Mr. Whinery, Mr. Guice was added to said above select committee.

On motion of Mr. Gordon, Mr. Bruton was also added to said committee.

On motion of Mr. Barton, Mr. Gregg was also added to said committee.

On motion of Mr. Butts, Mr. Watson was also added to said committee.

On motion of Mr. Smithson, Mr. Powel was also added to said committee.

On motion of Mr. Desha, Mr. Montgomery was also added to said committee.

On motion of Mr. Bruton, Mr. Gordon was also added to said committee.

On motion of Mr. Norsworthy, Mr. Ramsey was also added to said committee.

Mr. Leslie moved that one member from each county be added to said committee.

Which motion was lost.

On motion of Mr. Cannon, Mr. Bishop was also added to the above committee.

On motion of Mr. Brown, the House agreed to make no further additions to said committee.

Mr. Edmonson offered the following resolution:

Resolved by the Senate and House of Representatives, That the two Houses of the General Assembly, together with all citizens who may choose to attend, that a mass meeting be held on tomorrow evening at 3 o'clock, P. M., (the 21st of Nov., 1854,) in the Representative Hall, to take into consideration and to discuss the subject of internal improvements.

Which was read a first time.

On motion of Mr. Edmondson, the rules were suspended, and said resolution read a second time.

Mr. Stillwell moved to amend by striking out 3 and insert 7 o'clock, which was agreed to.

Mr. Desha moved to amend by inserting 7 o'clock Wednesday evening, which was accepted and the resolution as amended adopted.

Mr. Redmond offered the following resolution:

Resolved, That no motion for adjournment shall be in order until half past 12 o'clock, P. M., during the present session.

Mr. Johnson moved to lay said resolution on the table.

Mr. Redmond called for the ayes and nays on said motion, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Barkman, Barton, Baxter, Brown, Bruton, Bunch, Burgess, Butts, Calvert, Edmondson, Ederington, Flippin, Guice, Haggin, Harris, Hockersmith, Holmes, Hunter, Johnson, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Norsworthy, Nunn, Poe, Primm, Smithson, Stringfellow, Terry, Thorn, Wade, Watson, Whinery, Wilson, Witt and Mr. Speaker—45.

Those voting in the negative, are

Messrs. Austell, Beck, Bishop, Byrne, Cannon, Desha, Douglas, Gordon, Gould, Gregg, Hill, Jacoway, Jones of Conway, Jones of Desha, Macon, Newton, Patterson, Pettigrew, Powel, Puryear, Ramsey, Redmond, Rice, Stillwell, Williams and Wood —26.

So the resolution was laid on the table.

On motion of Mr. Moulden, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

TUESDAY, *Nov.* 21*st*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

On motion of Mr. Jones of Lawrence, leave of absence was granted Mr. Nunn on account of indisposition.

On motion of Mr. Logan, leave of absence was granted Mr. Burgess for the same cause.

Mr. Speaker announced that petitions from counties were in order.

Mr. Byrne presented a memorial to the Congress of the United States, instructing our Senators and requesting our Representatives in Congress, to use their exertions to have a law passed amendatory of the law approved the 15th day of February, 1843, so that the county of Lafayette, by the majority of the citizens of said county, may consolidate the proceeds of the sale of the 16th sections in one common school fund, after they have been sold, as directed by law.

Which memorial was read a first time.

On motion of Mr. Byrne, the rules were suspended, and the resolution read a second time.

Mr. Speaker announced that reports from standing committees were in order.

Reports from select committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The select committee to whom was referred Senate bill No. 7, have had the same under consideration, and have instructed me to report the same back to the House with the following amendments, and recommend its passage, "amend section 7, line 3d, after the word 'succession,' add 'for the termof 99 years,' and by striking out section 17."

P. M. JOHNSON, *Chairman.*

Mr. Williams made the following report:

Mr. Speaker:

The select committee to whom was referred House bill entitled, "an act to increase the compensation of jurors in the county of Prairie and other counties," have had the same under consideration, and have instructed me to report back the original bill, leaving off the amendments proposed to section 1st, and striking out the counties of Pulaski, Pope, Hot Spring and Monroe, and adding Hempstead county, in which form they recommend its passage. WILLIAMS, *Chairman.*

Mr. Redmond made the following report:

Mr. Speaker:

The select committee to whom was referred joint resolution No. 18, concerning the navy yard at Memphis, have had the same under consideration, and have instructed me to report the same back to the House and recommend its adoption.

REDMOND, *Chairman.*

Mr. Speaker announced that motions and resolutions were in order.

Mr. Neale gave notice that he would, on Monday next, or some day thereafter, introduce a bill to increase the fees of clerks, sheriffs and other officers in this State.

Mr. Butts offered the following resolution:

Resolved, That the clerk call the roll every morning, and all members that shall be absent without leave, shall be marked as absentees and their names placed on the journal.

Which was adopted.

Mr. Butts gave notice that he would, on Thursday next, or some day thereafter, introduce a bill regulating the election of sheriffs.

Mr. Gregg offered the following resolution:

Resolved, That hereafter during the present session of this legislature, that all resolutions, bills and other matter of a private character, be made the order of the day for Tuesdays and Fridays of each week, and that said private business take precedence over all other on said days.

Which was read and adopted.

Mr. Wood offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the following amendments be, and the same are hereby proposed to the constitution of the State of Arkansas, to wit: That from and after the ratification of the same, the General Assembly of the State of Arkansas shall meet on the 1st Monday in October every 4 years, and that the number of representatives and senators shall not, when added together, amount to more than seventy-five.

Which was read.

Mr. Watson offered the following resolution:

Resolved, That the committee on the judiciary be required to investigate the swamp land law, and report whether or not the

State is bound for any scrip that has been or may be issued, in the event that there may not be swamp land sufficient to lay the same upon, and in case the State is so bound, they be further required to enquire into the expediency of stopping all levying and drainage on said lands, in order to the redemption of all outstanding scrip of said swamp land, and that they report by bill or otherwise.

Which was adopted.

Mr. Allen introduced a bill to be entitled, "an act for the relief of Malachi Willis, of Ashley county."

Which was read a first time.

On motion of Mr. Allen, the rules were suspended, the bill read a second and third time and passed.

Mr. Moulden introduced a bill to be entitled, "an act amendatory to an an act passed and approved 11th January, 1853," under the head of the revised common school system, in the State of Arkansas.

Which was read a first time.

On motion of Mr. Moulden, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Butts introduced a bill to be entitled, "an act to exempt certain persons from paying a poll tax."

Which was read a first time.

On motion of Mr. Butts, the rules were suspended, the bill read a second time, and

On motion of Mr. Wood, referred to the committee on ways and means.

The following message was received from the Senate:

Mr. Speaker:

I have the honor to inform your honorable body that the Senate have passed Senate bill, entitled an act to repeal all laws inflicting stripes upon a white person as a punishment.

Also Senate bill, entitled an act to restrain the circulation of change tickets.

Also Senate bill, entitled an act to declare a portion of King's river, in the county of Madison a navigable stream.

All of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The Senate have assented to House bill, entitled an act providing for the sale of fractional 16th section in township 6, north of range 9 east, in Crittenden county, with an amendment thereto.

To which the assent of your honorable body is respectfully asked.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Byrne introduced a bill entitled an act for the benefit of jurors in Columbia county, and witnessess in the counties of Lafayette and Columbia.

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended, the bill read a second time and made the order of the day for Friday next.

Mr. Redmond introduced a bill, entitled an act declaring township 3 north, in range 1 east, to be in Monroe county.

Which was read a first time.

On motion of Mr. Redmond, the rules were suspended, the bill read a second time and made the order of the the day for Friday next.

Mr. Beck asked and obtained leave to withdraw House bill, entitled an act to change the time of holding the probate courts in the counties of Izard, Montgomery and Van Buren.

Mr. Matthews introduced a bill to be entitled an act to exempt white persons from working on public roads until they attain the age of 18 years.

Which was read a first time.

Mr. Flippin introduced a bill, to be entitled an act to change the time of holding the probate courts in the counties of Izard, Marion and Van Buren.

Which was read a first time.

On motion of Mr. Flippin, the rules were suspended, the bill read a second time, and made the order of the day for Friday next.

Mr. Williams introduced a bill, to be entitled an act to amend an act entitled an act revising the common school system of the State of Arkansas, approved 11th of January, A. D. 1853.

Which was read a first time.

On motion of Mr. Wilson, the rules were suspended, the bill read a second time and referred to the committee on education.

Mr. Gould introduced a bill, to be entitled an act to increase the pay of jailors.

Which was read a first time.

On motion of Mr. Gould, the rules were suspended, and the bill read a second time.

Mr. Williams moved to amend said bill by striking out 75 cents and inserting 50 cents.

Which was adopted.

Mr. Douglas moved to amend by excepting the county of Benton.

Mr. Wilson moved to amend the amendment by excepting the county of Washington from the provisions of said above bill.

On motion of Mr. Patterson, said last amendments were laid on the table.

Mr. Matthews moved to amend by excepting the county of Union from the provisions of the 1st section of said bill.

Mr. Brown moved to amend by excepting the county of Crawford.

Mr. Wood moved to lay said bill and amendments thereto on the table till 4th of July next.

Mr. Gould called for the ayes and nays, which call being sustained, the roll was called.

Those members voting to lay the bill on the table, are

Messrs. Allen, Austell, Barkman, Beck, Brown, Bruton, Bunch, Butts, Calvert, Douglas, Edmondson, Ederington, Flippin, Gordon, Gregg, Guice, Haggin, Harris, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Newton, Norsworthy, Pettigrew, Poe, Powel, Primm, Ramsey, Smithson, Thorn, Tuley, Wade, Whinery, Wilson, Witt, Wood and Mr. Speaker—50.

Those members voting in the negative, are

Messrs. Barton, Baxter, Bishop, Byrne, Cannon, Desha, Gould, Hill, Jacoway, Jones of Desha, Neale, Patterson, Puryear, Redmond, Stillwell, Stringfellow, Terry, Watson and Williams—19.

So the bill and amendments were laid on the table till 4th July next.

Mr. Flippin introduced a bill, to be entitled "an act to repeal an act entitled an act the better to define the western boundary line of Izard county," approved 24th Dec., 1840.

Which was read a first time.

On motion of Mr. Beck, the rules were suspended, the bill read a second time, and referred to a select committee, consisting of Messrs. Beck, Flippin, Burgess, Haggin and Terry.

The orders of the day were taken up.

House bill, entitled "an act to increase the pay of jurors in the county of Prairie and other counties," was taken up, the report of the select commitee on the same adopted, the bill read a third time and passed.

Senate bill, to be entitled "an act for the relief of the counties of Franklin, Union and Calhoun," was taken up, read a third time and passed.

On motion of Mr. Whinery, the House resolved itself into committee of the whole, to consider House bill No. 5, to be entitled "an act to authorize Elizabeth Morgan, widow of Evan S. Morgan, deceased, to sell certain real estate, and for other purposes."

Mr. Gregg in the chair.

The committee after sitting some time, arose, reported the bill back to the House, and through their chairman recommended its rejection.

On motion of Mr. Stillwell, said report was adopted and the bill rejected.

House bill No. 30, to be entitled "an act to regulate the pay of prosecuting attorneys," was taken up, and read a third time.

Mr. Wood moved the previous questtion upon the passage of said bill, which was sustained, and the main question being, shall the bill pass?

Mr. Wood called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Beck, Brown, Bruton, Bunch, Butts, Flippin, Gordon, Haggin, Harris, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jernigin, Leslie, Logan, Miller, Morton, Norsworthy, Poe, Puryear, Ramsey, Whinery, Witt and Wood —26.

Those members who voted in the negative, are

Messrs. Austell, Barkman, Barton, Baxter, Bishop, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Gould, Gregg, Guice, Hill, Hockersmith, Holmes, Hunter, Jones of Desha, Jones of Lawrence, Macon, Matthews, Montgomery, Moulden, Neale, Newton, Patterson, Pettigrew, Powel, Primm, Redmond, Smithson, Stillwell, Stringfellow, Terry, Thorn, Tuley, Wade, Watson, Williams, Wilson and Mr. Speaker—43.

So said bill was lost.

Mr. Stillwell was called to the chair.

House bill No. 47, to be entitled "an act to compensate jurors and witnesses attending courts of record in Drew county," was taken up, read a third time and passed.

Senate bill No. 9, to be entitled "an act to legalize the will and testament of Richard D. Owen, deceased," was taken up and read a first time.

On motion of Mr. Jones of Desha, the rules were suspended, the bill read a second and third time and passed.

House bill No. 41, to be entitled "an act to authorize Washington county to procure field notes and maps," was taken and read a second time.

Mr. Byrne moved to amend said bill by inserting Lafayette county.

Mr. Bruton, by inserting the county of Pope.

Mr. Pettigrew, by inserting the county of Sevier.

Mr. Jones of Desha, by inserting the county of Desha.

Mr. Witt, by inserting the county of Van Buren.

Mr. Bishop, by inserting the county of Hempstead.

All of which amendments were agreed to, and

On motion of Mr. Witt, the bill and amendments were referred to the committee on county and county lines.

On motion of Mr. Jones of Lawrence, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

WEDNESDAY, *Nov. 22d*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Mr. Wood moved a suspension of the call of the House.

Which motion was lost.

The call of the House was made, and every member promptly answered to their names, save those who were absent by leave of the House, in consequence of indisposition.

On motion of Mr. Jacoway, leave of absence was granted Mr. Byrne on account of indisposition.

On motion of Mr. Smithson, leave of absence was granted Mr. Thorn for the same cause.

On motion of Mr. Williams, leave of absence was granted Mr. Stringfellow, and

On motion of Mr. Bunch, leave of absence was granted Mr. Haggin, all for the some cause.

Mr. Speaker announced that petitions from counties were in order.

Mr. Stillwell presented the petition of sundry citizens of Pulaski county, praying for certain amendments to the common school system of the State of Arkansas, approved January 11th, 1851.

Which, on motion of Mr. Stillwell, was referred to the committee on education.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The committee on claims to whom was referred the petition of George W. and Augustus Goolsby, praying an additional compensation for expenses incurred by them, in arresting and bringing to justice Joseph Ezell and William Bays, charged with the murder of Terrel Goolsby, of Saline county, in this State, have had the same under consideration, and have instructed me to report a bill for the relief of George W. and Augustus Goolsby, and recommend its passage.

JOHNSON, *Chairman.*

Which above repurted bill was read a first time.

Mr. Johnson also made the following report:

Mr. Speaker:

The committee on claims, to whom was referred House bill No. 20, have had the same under consideration, and have instructed me to report the same back to the House without amendment, and recommend its passage.

Also Senate bill No. 16, and have instructed me to report the same back and recommend its passage.

JOHNSON, *Ch'n.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 42, entitled "an act to repeal so much of chapter 90, of the Digest of the Statutes of Arkansas as legalizes conventional interest," have had the same under consideration, and have instructed me to report back and recommend its rejection.

DESHA, *Ch'n.*

Mr. Jones, of Desha, made the following minority report:

Mr. Speaker:

The minority of the judiciary committee, to whom was referred House bill No. 42, entitled "an act to repeal so much of chapter 90 of the Revised Statutes, legalizing conventional interest," have had the same under consideration, and beg leave to report back to the House and recommend its passage.

JONES, *of Desha.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred Senate bill No. 8, entitled "an act to authorize the taking of depositions in the Indian country," have had the same under consideration, and have instructed me to report back without amendment, and recommend its passage.

Also a resolution of the House in regard to amending article 6th, in relation to trespass on personal property, chapter 51, of the Digest of the Statutes of Arkansas, under the head of criminal law, and have instructed me to report the enclosed bill, and recommend its passage.

DESHA, *Ch'n.*

The said enclosed bill, entitled "an act to amend article 6th, in regard to trespass on personal property, of chapter 51, of the Digest of the Statutes of Arkansas, under the head of criminal law," was read a first time.

Mr. Desha also made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 32, entitled "an act to amend sections 62 and 63, chapter 67, of the Digest of the Statutes of Arkansas," have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

Also, House bill No. 46, to be entitled "an act for the benefit of actual settlers upon lands forfeited to the State for the non-payment of taxes, and have instructed me to report back, and recommend its passage.

Also, House bill No. 54, entitled "an act to amend section 3, chapter 17, of the Digest of the Statutes of Arkansas, and to make other and further amendments to the attachment law."

Also, House bill No. 27, entitled "an act to amend section 31, chapter 4, of the revised Statutes of the State of Arkansas, under the head of administrators," and have instructed me to report them both back to the House, and recommend their rejection.

Also, the memorial of the New York Law Institute, praying the Legislature of this State to donate to them a complete set of all the acts and statutes of this State, as a contribution to the law library, established by said institute, in the city of New York, and have instructed me to report back the following preamble and resolutions, and recommend the adoption of the same.

Whereas, It appears to this General Assembly, from the memorial of the New York Law Institute, which has been laid before them, that there has been incorporated in the city of New York, an institute for the formation of a law library, and that said memorialists are desirous that a complete set of the statutes and public acts of Arkansas, should be donated to them; and whereas, this General Assembly, in view of the immense commerce and business which centres in said city from all parts of our Union, dem it highly important and necessary, that the public acts and statutes of all the States, should be contained in the law library of said institute; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That a complete set of the public acts and statutes of Arkansas, already passed, and hereafter to be passed, from time to time, be, and the same are hereby donated to the New York Law Institute, in the city of New York, and the Secretary of State is hereby instructed to transmit the same to said institute, at the expense of said institute.

DESHA, *Ch'n.*

Which said preamble and resolution were read a first time.

Mr. Redmond submitted the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 37, entitled "an act for the benefit of George Hughes, of Scott county," with amendments thereto, have had the same under consideration, and instructed me to report the bill back as amended and recommend its rejection.

REDMOND, *Ch'n.*

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments, have examined "an act authorizing and empowering Thomas F. Wilson, administrator of the estate of William O. Wilson, deceased, to sell certain real estate."

Also "an act to change the name of Mary Sutherlin to Mary Magness."

Also "an act to change the time of holding the probate court of the county of Jackson."

Also "an act to amend an act entitled an act to constitue William T. Hardy, the lawful heir of Floanes S. White."

Also "an act to amend the charter of the town of Pine Bluff."

Also "the joint resolution of the Senate and House of Representatives, instructing and requesting the attorney general for the State, to issue a *quo warranto* against the Memphis and St. Francis Plank Road Company."

Also the joint resolution of the General Assembly instructing our Senators, and requesting our Representatives, to use their best exertions to procure the establishment of a horse mail route from "Huntsville, Madison county, thence to Kingston, Madison county, thence to Samuel Whiteley's, Newton county, thence to

Jasper, Newton county," and instruct me to report that they find the same correctly enrolled.

HOLMES, *Ch'n.*

Mr. Holmes moved that James F. Fagan, the assistant clerk of the House, have leave of absence for a few days, and that Miller Quail act as substitute, without additional expense to the State.

Which motion prevailed.

Mr. Stillwell offered the following resolution:

Resolved, That a select committee of five be appointed to inquire into, and report the amount of the indebtedness of the State, on account of the bonds issued to the State and Real Estate Banks, principal and interest, according to the adjudication of our courts, and that said committee be further instructed to prepare and present for the consideration of this House a plan for funding said debt.

Which was adopted, and Messrs. Stillwell, Redmond, Wilson, Brown and Logan, were appointed as such committee.

Mr. Calvert offered the following preamble and joint resolution:

Whereas, It is believed, from good authority, that the Congress of the United States, did, some ten or twelve years ago, make an appropriation for furnishing the several counties of this State with plats and field notes of the surveys of the lands within the limits of the counties aforesaid, and for the distribution of the same; therefore, be it

Resolved by the Senate and House of Representatives of the State of Arkansas, That our Senators be instructed, and our Representatives be requested to call upon the Secretary of the Interior, at Washington, and use their best exertions to procure an order from that office to the Surveyor General of this State, to furnish the several counties with the several plats and field notes, as above referred to, and at as early a day as practicable.

Which was read a first time.

On motion of Mr. Miller, the resolution adopted by the House on Wednesday last, resolving the General Assembly into a mass meeting, for the purpose of discussing the subject of internal improvements, was rescinded.

Mr. Bruton offered the following resolution:

Resolved, That the committee on the judiciary be requested to inquire into the expediency of passing a law, requiring the holders of swamp land scrip, issued under the old law, to lay all such scrip on the swamp lands subject to entry under the laws when such scrip was issued, and against some specified period, and report as soon as convenient, by bill or otherwise.

Which was adopted.

Mr. Gordon offered the following joint resolution:

Resolved by the General Assembly of the State of Arkansas, That the line or route for a railroad surveyed by the Cairo and Fulton Railroad Company, under and by authority of an act of the General Assembly of this State, entitled "an act to incorporate the Cairo and Fulton Railroad Company," approved the 12th day of January, 1853, which survey was completed on the 25th day of September, 1854, and reported to the president and directors of said company, and by resolution of the board of directors of said company, approved the 9th day of October, 1854, and the line or route of said road designated and fixed as shown by the survey and resolution aforesaid, be, and the same is hereby adopted, and definitely fixed as the line or route for said road in this State, in pursuance of the provisions of the act of Congress, granting the right of way, and making a grant of lands to the States of Arkansas and Missouri, to aid in the construction of a railroad from a point on the Mississippi river, opposite the mouth of the Ohio river, in the State of Missouri, via Little Rock, to the Texas boundary line, near Fulton, in Arkansas, with branches from Little Rock to the Mississippi river and Fort Smith, all in the State of Arkansas, approved February the 9th, 1853: *Provided*, The said Cairo and Fulton Railroad Company comply with the following conditions: that is, They may be, and are hereby empowered snd authorized to sell one hundred and twenty sections of said granted lands along said road, whenever they shall have completed twenty continuous miles of said road, and not until the same is completed, and so on for every continuous twenty miles of said road, so finished and completed, they shall have the right, and are hereby empowered to sell one hundred and twenty sections of the land along said road until the whole of said road shall be completed; *Provided however*, That said company shall comply strictly and conform fully to the act of Congress in every particular, and pledge to the State that they will finish and put in running order the first twenty continuous miles of said road within two years from the first of January, 1855.

And in case said company shall neglect and refuse to comply with the above conditions, and complete twenty continuous miles of said road, as above required, then and in that case they shall forfeit all their right, title or claim to said road, or lands attached thereto.

And provided further, That the capital stock, cars, engines station houses, fixtures, etc., shall be free from taxation until the receipts of said road shall pay a dividend of ten per cent upon the capital stock in building said road, then at the time the said road pays the per cent. as above stated, the said company shall pay annually, to the State through her treasurer, two per cent. of all nett proceeds of said road, which per cent. shall continue to be paid from year to year, so long as the said company shall control said road.

Which was read a first time.

Mr. Moulden gave notice that he would, on Thursday next, or some day thereafter, introduce a bill making a special appropriation for the payment of Henry Jacobi, for putting up in pamphlet form, five hundred copies of the committee report on the State Bonk, made to the General Assembly of 1853.

Mr. Gregg gave notice that on to-morrow, or some other convenient day, he would introduce a bill to amend the 7th and 8th sections of chapter 71 of the Digest.

Mr. Gregg proposed the following amendments to the constitution of this State:

1st. The Senate shall never consist of less than 16, nor more than 25 members, and the General Assembly, at the times now prescribed by law, shall so alter and arrange the senatorial districts, that each district shall contain as nearly as practicable, an equal number of free white male inhabitants; *Provided*, That no county shall be divided in the formation of a senatorial district; *And provided further*, That the number of Senators shall not be increased above 16 members, until the popoulation of this State amounts to five hundred thousand souls.

2d. The House of Representatives shall consist of not less than forty-eight, nor more than seventy-five members, to be apportioned among the several counties of this State, according to the number of free white male inhabitants therein, each member of the House of Representatives, representing an equal number, as nearly as practicable; *Provided*, That no county shall be divided in the formation of any representative district; but said district shall be composed of contiguous territory; *Provided further*, That the number of Representatives shall not be increased above forty-eight in number, until the population of this State shall amount to five hundred thousand souls.

Which was read a first time.

Mr. Holmes moved to reject said proposed amendments.

Mr. Bruton called for the yeas and nays.

The call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Barkman, Barton, Bishop, Calvert, Cannon, Ederington, Gordon, Guice, Harris, Holmes, Jones of Conway, Jernigin, Logan, Macon, Miller, Neale, Newton, Norsworthy, Powel, Primm, Puryear, Redmond, Rice, Stillwell, Terry and Tuley—28.

Those members voting in the negative, are

Messrs. Baxter, Beck, Brown, Bruton, Bunch, Butts, Desha, Douglas, Edmondson, Flippin, Gould, Gregg, Hill, Hockersmith, Hunter, Jacoway, Johnson, Jones of Desha, Jones of Hot Spring, Leslie, Matthews, Montgomery, Morton, Moulden, Nunn, Patterson, Pettigrew, Poe, Ramsey, Smithson, Wade, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—39.

So the motion to reject was lost.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 48, to be entitled "an act for the benefit of jurors in Clark county;" which is herewith returned.

The Senate have passed Senate bill No. 24, to be entitled "an act for the confirmation of the settlements, with Thomas S. Milner, and others, as administrators."

Which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS;
Sec'y Senate.

Mr. Austell gave notice that on Saturday next, or some convenient day thereafter, he would introduce a bill to prohibit card playing for amusement, in groceries and other public places in this State.

Mr. Nunn offered the following preamble and resolution:

WHEREAS, The various swamp land agents of this State, by misapprehensions or misconstructions of the law regulating the landed interests of this State, passed at the last session of the legislature, permitted divers entries to be made in their respective offices, of lands which had not been legally offered for sale, as provided for in said act, and by virtue of such entries so made, it has placed many occupants of swamp and overflowed lands, in a very awkward and unsafe position; therefore,

Resolved, That the committee on swamp and overflowed lands be instructed to enquire into the expediency of passing a law confirming such entries, so suffered to be made by such land agents, and that they report back to this House by bill or otherwise.

Which was read and adopted.

On motion of Mr. Puryear, the rules were suspended, and House bill No. 80, to be entitled "an act to prevent the collection of tolls by the owners and keepers of ferries, toll-bridges and turnpikes, in certain cases in this State," was introduced and read a first time.

Mr. Leslie gave notice that on Saturday next, he would introduce a bill more particularly to define the line dividing the counties of Searcy and Van Buren.

Mr. Witt introduced the following resolution:

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use their influence to procure a horse mail route from Searcy, White county, in the State of Arkansas, running by way of Cedar creek, in said county, thence by Quitman post office, in Van Buren county, thence through Greasy Valley to Clinton, in said county and back, once a week.

Which was read a first time.

On leave granted, Mr. Powel introduced House bill No. 81, entitled "an act to repeal the 14th section of an act entitled an act to provide for the reclaiming of the swamp and ouerflowed lands donated to this State by the United States, approved January 6th, 1851, and for other purposes."

Which was read a first time.

On motion of Mr. Powel the rules were suspended, the bill read a second time and ordered to be engrossed and made the special order for next Wednesday.

On leave granted, Mr. Patterson introduced House bill No. 82, to be entitled "an act to amend section 24, chapter 170 of the Digest of Arkansas."

Which was read a first time.

The orders of the day were taken up:

House bill No. 49, entitled "an act to authorize the sale of choses in actions, by executors and administrators, in certain cases," was taken up, read a second time, and

On motion of Mr. Matthews, was referred to a select committee of five.

The chair appointed as such committee, Messrs. Matthews, Wood, Redmond, Byrne and Cannon.

The following message was received from the Governor, by his private secretary, R. H. Johnson, Esq.:

Executive Office,
Little Rock, Arkansas,
21st Nov. 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

The executive has caused to be printed for the use of the General Assembly, the report of the Board of Swamp Land Commissioners of the State of Arkansas, made to the Governor since the meeting of the General Assembly, but dated the 5th day of October, 1854.

And the report of the Secretary of State, on the subject of common schools; and also the report of the land attorney and State collector, and has directed that printed copies of all three of these reports be laid before the House of Representatives as early as the binder can prepare them.

ELIAS N. CONWAY.

Mr. Desha moved to reject the report of the committee on claims heretofore made upon the petition of Samuel W. Peel and George W. Lovel, pending, which

On motion of Mr. Cannon, the House took a recess for the space of one hour.

20 minutes of 12 o'clock.

The House convened, and

On motion of Mr. Nunn, adjourned until to-morrow morning, 9 o'clock.

SAML. MITCHELL,
Speaker Ho. of Reps.

THURSDAY, *Nov.* 23*d*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

The roll of the House was called, when each member of the House answered promptly to his name, save those who were absent by leave of the House.

On motion of Mr. Macon, leave of absence was granted Mr. Rice, on account of indisposition.

On motion of Mr. Ramsey, leave of absence was granted Mr. Wade, for the same cause.

Mr. Speaker announced that petitions from counties, memorials, etc., were in order.

Mr. Neale presented the petition of sundry citizens of Chicot county, praying the legislature to pass an act authorizing a cutt off in the Mississippi river, through the farm of Marcus F. Johnson, in the county of Chicot.

Which, on motion of Mr. Neale, was referred to the select committee heretofore appointed on the same subject.

Mr. Speaker laid before the House of Representatives a memorial from the South Carolina convention, in regard to a projected railroad to the Pacific ocean.

Which, on motion of Mr. Wood, was referred to the committee on internal improvements.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 70, entitled "an act to exempt certain persons from paying a poll tax," have had the same under consideration, and have instructed me to report the same back to the House and recommend its rejection.

REDMOND, *Chairman.*

Mr. Jones of Desha, made the following report:

Mr. Speaker:

The committee on swamp lands, levees and drains, to whom was referred the House resolution, "That the committee on swamp and overflowed lands, be instructed to enquire into and report as to the expediency of amending the swamp land laws, so as to limit persons who may enter such lands to a definite number of acres, not to exceed 640 acres to any individual or company, in order to prevent speculation," have had the same under consideration, and have instructed me to report that they deem it inexpedient to pass any such laws.

Also, House bill No. 60, entitled "an act to prevent the building of dams across streams in Crittenden county," and instrncted me to report said bill back to the House and recommend its passage.

Also, House bill No. 63, entitled "an act in relation to swamp and overflowed lands," and instructed me to report the bill back and recommend its rejection.

JONES of Desha, *Ch'm.*

Mr. Speaker announced that reports from select committees were in order.

Mr. Jones of Desha, from a select committee, made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 51, entitled "an act to authorize Marcus F. Johnson, to make a cutt off at Bell Point on the Mississippi river, in Chicot county," have had the same under consideration, and have instructed me to report the same back to the House and recommend that it be rejected.

JONES, of Desha, *Ch'm.*

Mr. Neale, from the same committee, made the following minority report:

Mr. Speaker:

The select committee to whom was referred House bill No. 51, entitled "an act to authorize Marcus F. Johnson, to make a cut-off across Bell Point, on the Mississippi river, in Chicot county, have had the same under consideration, and beg leave to report back to the House and recommend the passage of the original bill, without amendment.

NEALE.

Mr. Allen submitted the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 57, entitled "an act to incorporate the town of Hamburg, in Ashley county, Arkansas," beg leave to report that they have had the same under consideration, and have directed me to ask leave to withdraw said bill, and to introduce a new one in the place thereof, and recommend its passage.

ALLEN, *Chairman.*

Said substitute bill was read a first time.

On motion of Mr. Allen, the rules were suspended, the bill read a second and third time and passed.

Mr. Jones of Lawrence, made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 58, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

JONES of Lawrence, *Ch'm.*

On motion of Mr. Neale, the majority and minority reports upon House bill No. 51, together with the bill, were recommitted to the select committee heretofore appointed for the consideration of said bill.

Mr. Holmes offered the following resolution:

Resolved, That James Thompson, Esq., be admitted to a seat within the bar of this House, for the purpose of reporting such of its proceedings as he may deem proper for publication in the "Montgomery Advertiser," (Alabama.)

Which was adopted.

On motion of Mr. Hill, the report of the committee on banks, heretofore made, was taken up and adopted.

The following message was received from the Senate, by the hands of their secretary:

Mr. Speaker:

I am authorized to present for your honor's signature "an act approved December 14th, 1852, relating to the redemption of the scrip in the county of Madison."

W. L. D. WILLIAMS,
Secretary Senate.

On motion of Mr. Hill, the resolution regulating the pay of the clerk of bank committee, was taken up and the amendments heretofore proposed to said resolution, were

On motion of Mr. Baxter, laid on the table.

Mr. Baxter moved to amend said resolution by inserting "from the time of his election until he may be discharged by the committee."

Mr. Gordon moved to amend said amendment by allowing him three dollars per day, from the time he was employed until he was discharged.

Mr. Patterson moved to lay the amendment to the amendment on the table.

Mr. Miller called for the yeas and nays, and being sustained, the roll was called.

Those members voting in the affirmative, are

Messrs. Allen, Barkman, Baxter, Bishop, Brown, Byrne, Cannon, Desha, Ederington, Gould, Guice, Haggin, Harris, Hill, Hockersmith, Holmes, Jacoway, Jones of Lawrence, Montgomery, Morton, Neale, Nunn, Patterson, Pettigrew, Powel, Primm, Smithson, Stillwell, Watson, Wilson and Mr. Speaker—31.

Those members voting in the negative, are

Messrs. Austell, Barton, Beck, Bruton, Bunch, Burgess, Butts, Calvert, Douglas, Edmondson, Flippin, Gordon, Gregg, Hunter, Johnson, Jones of Conway, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Moulden, Newton, Norsworthy, Poe, Puryear, Ramsey, Tuley, Whinery, Williams, Witt and Wood—34.

So the motion was lost, and the amendment to the amendment, together with the first amendment, were, on motion of Mr. Wood, adopted, and on motion of Mr. Williams, the resolution as amended was adopted.

The following message was received from the Governor by the hands of his private secretary:

Mr. Speaker:

I am instructed by the Governor, to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 22d day of November, 1854, he approved and signed an act authorizing and empowering Thomas F. Wilson, administrator of the estate of William O. Wilson, deceased, to sell certain real estate.

R. H. JOHNSON,
Private Secretary.

Mr. Johnson offered the following resulution:

Resolved, That the printers be authorized to furnish the Governor of the State, for distribution among executive officers of other States, 300 copies of the message of the Governor, ordered to be printed by the House.

Which, on motion of Mr. Wood, was laid on the table till 4th July.

On motion of Mr. Holmes, House bill No. 26, to be entitled "an act to amend the road law," was taken up and read a second time.

On motion of Mr. Brown said bill was referred to the committee to which had previously been referred House bill No. 40.

On motion of Mr. Moulden, Mr. Holmes was added to said committee.

Mr. Baxter offered the following resolution:

Resolved, That the Representative Hall is herby tendered to the citizens at large, for the purpose of holding an internal improvement mass meeting, to-day, at 7 o'clock, P. M.

Mr. Redmond moved to lay said resolution on the table, which was lost, and the resolution and motion of Mr. Baxter adopted.

On motion of Mr. Wood, Senate bill No. 16, to be entitled "an act for the relief of James J. Baker, late sheriff of Sebastian county," was taken up and re-committed to the committee on claims.

Mr. Tuley introduced House bill No. 83, to be entitled "an act to repeal an act to declare Plum Bayou navigable."

Which was read a first time.

On motion of Mr. Williams, the rules were suspended, the bill read a second time, and, on motion of Mr. Powel, referred to the committee on swamp lands.

Mr. Moulden introduced House bill No. 84, to be entitled "an act making special appropriation for the payment of Henry Jacobi, for putting up, in pamphlet form, 500 copies of the committee report on the State Bank, of 1853."

Which was read a first time.

Mr. Hill was called to the chair.

Mr. Pettigrew introduced House bill No. 85, to be entitled "an act to refund money erroneously paid into the State Treasury, and other purposes."

Which was read a first time.

On motion of Mr. Pettigrew, the rules were suspended, the bill read a second time, and, on motion of Mr. Byrne, referred to the committe on State lands.

Mr. Desha introduced House bill No. 86, to be entitled "an act to authorize justices of the peace to issue executions upon judgments obtained before justices of the peace, other than themselves."

Which was read a first time.

On motion of Mr. Desha, the rules were suspended, the bill read a second time, and referred to the committe on the judiciary.

On motion of Mr. Gregg, leave of absence was granted Mr. Barton on account of indisposition.

Mr. Bishop introduced House bill No. 87, to be entitled "an act to amend section 4, of article 3, of chapter 51, of the Digest of the Statutes of Arkansas, under the title of gaming."

Which was read a first time.

Mr. Neale moved to lay the bill on the table.

Mr. Gregg called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Barkman, Miller, Neale, Terry and Tuley—5.

Those members voting in the negative, are

Messrs. Allen, Austell, Baxter, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Montgomery, Morton, Moulden, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Redmond, Smithson, Stillwell, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—62.

So the motion was lost.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Bruton introduced House bill No. 88 to be entitled "an act for the relief of Roof. H. Howell, late sheriff and collector of State and county revenue of Pope county."

Which was read a first time.

On motion of Mr. Nunn, the House adjourned until to-morrow morning, 9 o'clock.

SAML. MITCHELL,
Speaker Ho. of Reps.

FRIDAY, *Nov. 24th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

Mr. Johnson moved to suspend the call of the House.

Which was lost.

The roll was called and members answered to their names.

The chair announced the following members as the select committee on banks, under a resolution of Monday last, to wit: Messrs. Hill, Montgomery, Jacoway, Whinery and Rice.

Mr. Speaker announced that petitions from counties, memorials, etc., were in order.

Mr. Terry presented the petition of William C. Scott, praying the Legislature to make on appropriation to pay a certain judgment which the said Scott obtained against the State of Arkansas, sometime in June last.

Which, on motion of Mr. Terry, was referred to the committee on claims.

Mr. Witt presented the petition of the Internal Improvement Commissioner of Van Buren county, the reading of which was dispensed with, and on motion of Mr. Redmond, referred to the committee on internal improvements.

Mr. Logan presented the report of the Internal Improvement Commissioner of Scott county, the reading of which was dispensed with, and on motion of Mr. Gordon, said report was referred to the committee on internal improvements.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Guice made the following report:

Mr. Speaker:

The joint standing committee on the penitentiary, upon whom devolved the examination of the penitentiary wall, constructed and built by and under an act of the General Assembly passed in the year 1852, beg leave to report that they have examined said wall thoroughly and find the same executed and performed in a workmanlike manner, and in all respects according to the contract, and as was represented to your committee, and as they found to be the case, upon an examination, an excess of work, owing to the uneven situation of the ground upon which said wall was built, amounting to 309 perch, and upon calculation, amounting to the sum of $1,858 96, which said amount, for excess of work as done by the contractors, is in proportion to the contract for building said wall, together with other charges and expenditures, necessarily expended by the contractors, George and Robins, amounting in the whole, to the sum of $3158 76, (thirty-one hundred and fifty-eight dollars and seventy-six cents,) as will be seen by reference to account, exhibited marked "A," and made a part of this report.

Also the amount of $218 06, due Alexander George, late keeper of the penitentiary for the year 1852, as will more fully appear by reference to account marked exhibit "B," and made a part of this report. All of which, your committee recommend be paid, and that an appropriation be made for that purpose.

W. G. GUICE,
Chairman of House Committee.
W. H. JUDKINS,
Chairman of Senate Committee.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 3, entitled "an act to increase the compensation of jurors in the circuit courts of this State," have had the same under consideration, and have instructed me to report the same back to the House and recommend its rejection.

Also a resolution requesting the judiciary committee to inquire into the expediency of passing a law requiring the holders of swamp land scrip, issued under the old law, to lay all such scrip on the swamp land subject to entry under the law when such scrip was issued, by a specified time, and which resolution instructed the committee to report by bill or otherwise, have instructed me to report back that they deem it inexpedient to take any action on the subject.

Also House bill No. 66, entitled "an act to increase the pay of jurors summoned before justices of the peace in Sevier county," and have added thereto, the following amendment to section 1st of said bill: After the words "so summoned," "and the petit jurors shall be paid in the same manner as is now provided for the payment of grand jurors in said county," and instructed me to recommend the passage of said bill as amended.

Also House bill No 65, entitled "an act to amend sections 89 and 13, of chapter 95, of the Digest of the Statutes of Arkansas," under the head of "justices of the peace," part second, and have instructed me to report the same back to the House, and recommend its passage.

DESHA, *Ch'n.*

Mr. Speaker announced that reports from select committees were in order.

Mr. Matthews made the following report:

Mr. Speaker:

The committee to whom was referred House bill No. 49, have instructed me to report the same back to the House without amendment and recommend its passage.

MATTHEWS, *Ch'n.*

Mr. Edmondson made the following report:

Mr. Speaker:

The select committee, to whom was referred the petition of the citizens of Fort Smith, praying an amendmeni of the charter of said city, have had the same under consideration, and have directed me to report an amended charter, which is herewith transmitted, for the consideration of the House, and recommend its passage.

EDMONDSON, *Ch'n,*

Said bill, to be entitled "an act to provide more fully for the incorporation of the city of Fort Smith," was read a first time.

On motion of Mr. Edmondson, the rules were suspended, the bill read a second and third time, and passed.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to present, for your honor's signature, "an act to legalize the testament of Richard D. Owen, deceased."

Also, "an act entitled an act for the relief of the counties of Franklin, Union and Calhoun."

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Bruton made the following report:

Mr. Speaker:

The committee to whom was referred House bill No. 23, entitled, "an act to exempt a homestead from execution," have had the same under consideration, and have presented a substitute in lieu thereof, and a majority of them recommend its passage, from which, I beg leave to dissent.

BRUTON, *Ch'n.*

Said substitute bill, to be entitled "an act to amend an act to exempt a homestead from execution, approved December 8th, 1852," was read a first time.

Mr. Speaker announced that motions and resolutions were in order.

On motion of Mr. Desha, the report of the committee on claims, in regard to allowing Samuel W. Peel and George W. Lovel additional compensation for certain services, was taken up and rejected.

On motion of Mr. Baxter, House bill No. 62, to be entitled "an act for the benefit of George W. Lovel and Samuel W. Peel, of Independence county," was taken up and read a second and third time and passed, the rules having been suspended for that purpose.

The following communication was received from his Excellency the Governor, by the hands of R. H. Johnson, his private secretary:

EXECUTIVE OFFICE,
Little Rock, Arkansas,
24th Nov., 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

In answer to a resolution of the House of Representatives, requesting the Governor to furnish the House all the information in his possession, in relation to what amount and kind of arms this State is entitled to, the Executive transmits herewith a copy of a letter, dated April the 3d, 1854, from Col. H. R. Craig, chief of the ordnance office of the United States, which affords the information requested. The Governor has not ordered any of the arms which this letter refers to, as due to the State, but has left the matter open for the action of the General Assembly, not only with regard to designating the kind of arms which the General Assembly may choose to have ordered, but also in relation to the safe keeping or disposition of the same, when obtained. That the House of Representatives may act understandingly on the subject of designating the kind of arms to be ordered, it seems necessary to take into consideration the amount and kind of arms which the State has in possession, as well as of such as have heretofore been received by the State, and furnished to the Arkansas Military Institute, under the act of the General Assembly of this State, entitled an act to incorporate the Arkansas Military Institute, approved Dec. 18th, 1850.

The report of the adjutant general of the militia of this State, designates the amount and kind of arms which the State now has in possession. The copy of the receipt of the president of the board of guardians of the Arkansas Military Institute, which is herewith transmitted, shows the amount and kind of arms furnished to that institution. The late president of the board has verbally advised the Executive, that the Arkansas Military Institute has been discontinued, and that consequently, the arms, ordnance, etc., furnished to it, are no longer needed. That perhaps some of them have been already lost, others damaged, and that those who had been instrumental in obtaining them for a laudable purpose, are now anxious to have them, or so much of them as have not been lost or destroyed, delivered to some officer of the State authorized by law to receive them.

The patrons and guardians of the institution incurred considerable expense in having these arms, etc., transported to the institution in Dallas county, and since that institution has been dissolved and discontinued, I recommend that such legislation be had on the subject as will provide for the reception, transportation and safe keeping or disposition of them, at the expense of the State. It will be seen that the value of the ordnance, arms, etc., furnished the institution is stated in the receipt at $5,301 45. An appropriation amply sufficient to cover all the expenses of obtaining and transporting this property should be made. It was not till after the message of the Governor had been prepared and delivered to the General Assembly on the 7th of Nov., 1854, that he obtained from the late president of the board of guardians the information herein alluded to; for that reason the attention of the General Assembly was not called to the subject in the regular message of the Governor.

ELIAS N. CONWAY.

Mr. Holmes, from the committee on enrollments, made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to change the time of holding the probate courts of Scott county."

"An act to change the time of holding the probate courts of Poinsett county."

"An act to repeal in part an act to exempt the counties of Van Buren and Conway from the 3d section of the 138th chapter of the late Revised Digest, under the head of revenue," approved January 8th, 1849.

And a resolution requiring that a committee of five be appointed on the part of the House to act with such committee as may be appointed on the part of the Senate, whose duty it shall be to invite and receive proposals for the execution of the printing for the General Assembly, etc., and have instructed me to report the same as correctly enrolled.

HOLMES, *Chairman.*

Mr. Gordon introduced House bill No. 90, to be entitled "an act to change the names of Mary Elizabeth Robertson and others."

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended, the bill read a second time and referred to a select committee of five.

The chair appointed as such committee, Messrs. Gordon, Barton, Bruton, Gregg and Butts.

Mr. Baxter introduced House bill No. 91, to be entitled "an act to revise and amend the laws in relation to the 16th section in township 13, north of range 6 west.

Which was read a first time.

On motion of Mr. Baxter, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Redmond introduced House bill No. 92, to be entitled "an act for the adoption and changing the name of Charity Lovely Happy Vaughan, an orphan child two years old, to the name of Rosina Brogan, and to constitute her a legal heir of Hugh Brogan."

Which was read a first time.

On motion of Mr. Redmond, the rules were suspended, the bill read a second and third time and passed.

Mr. Wood introduced House bill, No. 93, to be entitled "an act for the relief of B. H. Smithson, late sheriff and collector of Washington county."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Mr. Beck introduced House bill No. 94, to be entitled "an act to authorize the county court of Izard county to procure the field notes and maps of the lands in said county."

Which was read a first time.

On motion of Mr. Beck, the rules were suspended, the bill read a second and third time and passed.

Mr. Smithson introduced House bill No. 95, to be entitled "an act to amend an act entitled an act to grant a charter to William F. S. Barkman, to erect a toll-bridge on Bayou De Roche," approved January 2d, 1851.

Which was read a first time.

On motion of Mr. Smithson, the rules were suspended, the bill read a second time, and

On motion of Mr. Jones of Hot Spring, referred to a select committee of five, consisting of Messrs. Jones of Hot Spring, Smithson, Cannon, Hockersmith and Holmes.

On motion of Mr. Bruton, House bill, No. 88, to be entitled "an act for the relief of Roof Howell, late sheriff and collector of State and county revenue of Pope county," was taken up, read a second time and referred to the committee on the judiciary.

Mr. Stillwell introduced House bill No. 96, to be entitled "an act to increase the compensation of grand and petit jurors in Pulaski county."

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Jacoway was excused from serving on the select committee on banks, and

On motion of Mr. Hill, Mr. Patterson was added thereto.

Mr. Harris introduced House bill No. 97, to be entitled "an act to change the time of holding the probate courts of Calhoun county."

Which was read a first time.

On motion of Mr. Harris, the rules were suspended, the bill read a second and third time and passed.

Mr. Johnson was called to the chair.

On motion of Mr. Flippin, House bill No. 76, to be entitled "an act to change the time of holding the probate courts in the counties of Izard, Marion and Van Buren," was taken up, read a third time and passed.

On motion of Mr. Byrne, House bill No. 71, entitled "an act for the benefit of jurors in Columbia county, and witnesses in the counties of Lafayette and Columbia," was taken up, read a third time and passed.

On motion of Mr. Barton, House bill No. 60, entitled "an act to prevent the building dams across bayous or other streams in Crittenden county," was taken up, read a third time and passed.

On motion of Mr. Jones of Hot Spring, House bill No. 35, entitled "an act to call in the scrip of Hot Spring county," was taken up and read a third time.

Upon the question of its final passage, Mr. Jones of Hot Spring called for the ayes and nays, and being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Beall, Bruton, Bunch, Butts, Edmondson, Ederington, Gordon, Harris, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Norsworthy, Pettigrew, Poe, Primm, Puryear, Ramsey, Rector, Redmond, Terry, Whinery, Witt, Wood and Mr. Speaker —29.

Those members voting in the negative, are

Messrs. Austell, Barton, Baxter, Beck, Bishop, Brown, Burgess, Byrne, Calvert, Cannon, Desha, Douglas, Flippin, Gould, Gregg, Guice, Harding, Hill, Hockersmith, Hunter, Jacoway, Johnson, Jones of Conway, Montgomery, Morton, Moulden, Neale, Newton, Nunn, Patterson, Powel, Smithson, Stillwell, Tuley, Watson, Williams and Wilson—37.

So the bill was lost.

Mr. Holmes was excused from voting upon the passage of the bill last aforesaid.

On motion of Mr. Moulden, the House adjourned till to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

SATURDAY, *November* 25*th*, 1854.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday read and approved.

On motion of Mr. Wood, the reading of the communication from the Governor of yesterday was dispensed with.

Mr. Moulden moved a suspension of the call of the House.

Which was lost.

The roll being called, Messrs. Allen, Barkman, Beall, Jones of Desha, Macon, Neale and Tuley were absent.

Mr. Speaker announced that petitions and memorials from counties were in order.

Mr. Jernigin presented the petition of sundry citizens of Polk county, praying for the passage of a prohibitory liquor law.

Which, on motion of Mr. Jernigin, was referred to the committee on memorials.

Mr. Pettigrew presented the petition of divers citizens of Paraclifta, in the county of Sevier, praying for an act of incorporation of said town.

Which, on motion of Mr. Pettigrew, was referred to a select committee of three, consisting of Messrs. Pettigrew, Byrne and Gould.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The committee on claims to whom was referred Senate bill No. 16, to be entitled "an act for the relief of James J. Baker, late sheriff of Sebastian county," have had the same under consideration, and have instructed me to report the same back to the House with an amendment thereto, and recommend it passage.

JOHNSON, *Chairman.*

Mr. Newton made the following report:

Mr. Speaker:

The committee on county and county lines have had

House bill No. 41 under consideration, and beg leave to report by substitute, and recommend its passage.

NEWTON, *Chairman.*

Said substitute bill, entitled "an act to authorize certain counties in the State of Arkansas, to obtain field notes and maps of the lands in said counties," was read a first time.

Mr. Speaker announced that motions and resolutions were in order.

Mr. Whinery offered the following resolution:

Resolved, That so much of the Governor's special message as relates to public arms be referred to the committee on militia.

Which was adopted.

On motion of Mr. Gordon, the joint resolution relating to the Cairo and Fulton railroad, was taken up, read a second time and referred to the committee on internal improvements.

Mr. Guice gave notice that he would, on Monday next, or some day thereafter, introduce a bill to amend section 11, of an act entitled "an act amendatory of existing laws regulating the landed interests of this State," approved January 12th, 1853.

Mr. Butts offered the following resolution:

Resolved, That this House take cognizance of no bill over which the circuit or county courts have jurisdiction.

Which, on motion of Mr. Brown, was laid on the table.

Mr. Jones of Desha, offered the following resolution:

Resolved, That our Senators in Congress be instructed and our Representatives requested to use their best efforts and influence in procuring the establishment of a mail route from Napoleon to Florence, in the county of Desha, to be carried on horse back once a week.

Which was read a first time.

On motion of Mr. Jones of Lawrence, Mr. Holmes was added to the committee on militia.

On motion of Mr. Douglas, the report of the committee on swamp lands, levees and drains, giving instruction to our congressional delegation in regard to a modification of the swamp land laws, was taken up, when

On motion of Mr. Jones of Desha, the report of the committee adverse to said resolution was adopted.

Mr. Puryear offered the following preamble and resolution:

WHEREAS, By a resolution adopted by this House a few days ago, making it the duty of the committee on counties and county lines, to ascertain and report back to this House the number of square miles which each county in this State may contain; and whereas, such committee have not the means or opportunity of acquiring such information; therefore,

Resolved, That the committee on county and county lines be, and they are hereby allowed to employ a clerk to furnish the information desired.

Which, on motion of Mr. Redmond, was adopted.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 14, to be entitled "an act to place the military road of Independence county under the jurisdiction of the county court of said county."

Which is herewith returned.

The Senate have concurred in the amendment of the House to Senate bill No. 3, to be entitled "an act to prevent the advertising and withhold from sale certain swamp and overflowed lands."

W. L. D. WILLIAMS,
Sec'y of the Senate.

Mr. Rector submitted the following report:

Mr. Speaker:

The standing committee on internal improvements to whom was referred the memorial of Albert Pike, of Arkansas, Thomas Whitridge, of Maryland, and others, have had the same under consideration, and instruct me to report the same back to the House, and ask to be discharged from the further consideration of the same.

RECTOR, *Chairman.*

Which, on motion of Mr. Gregg, was adopted.

Mr. Jernigin introduced House bill No. 100, to be entitled "an act to amend the 4th section of the 55th chapter of the Digest of the statutes of Arkansas, under the head of estrays."

Which was read a first time.

On motion of Mr. Jernigin, the rules were suspended, the bill read a second time, and

On motion of Mr. Barton, was referred to the committee on the judiciary.

Mr. Jones of Hot Spring, introduced a bill, to be entitled "an act to amend in part an act to call in the scrip of Hot Spring and Van Buren counties," approved Nov. 27th, 1852.

Which was read a first time.

On motion of Mr. Jones of Hot Spring, the rules were suspended, the bill read a second and third time and passed.

Mr. Smithson introduced House bill No. 101, entitled "an act to amend in part chapter 52 of the Digest of the statutes of this State."

Which was read a first time.

On motion of Mr. Wilson, the rules were suspended, the bill read a second time, and

On motion of Mr. Moulden, was referred to the committee on the judiciary.

Mr. Johnson introduced House bill No. 102, to be entitled "an act to amend an act, exempting a homestead from execution," approved December 8th, 1852.

Which was read a first time.

On motion of Mr. Wilson, the rules were suspended, the bill read a second time, and

On motion of Mr. Gregg, was referred to the committee on the judiciary.

Mr. Hunter introduced House bill No. 103, entitled "an act to sever the office of assessor from the office of sheriff."

Which was read a first time.

On motion of Mr. Hunter, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

On motion of Mr. Redmond, the unfinished business of yesterday was taken up.

House bill No. 72, entitled "an act declaring township 3 north, in range 1 east, to be in Monroe county," was taken up, read a third time and passed.

House bill No. 56, to be entitled "an act to compensate John C. Peay, sheriff of Pulaski county, for certain services," was taken up, read a third time and passed.

Mr. Whinery was called to the chair.

The following message was received from the Governor by the hands of John Hutt, esq.

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 24th of November, 1854, he approved and signed an act to change the time of holding the probate courts of the county of Jockson."

"An act to change the name of Mary Sutherlin to Mary Magness."

"An act to amend the charter of the town of Pine Bluff," and "an act to amend an act entitled an act to constitute William T. Hardy the lawful heir of Floanes S. White," and

Also, two joint resolutions, one instructing and requesting the attorney general to cause to be issued a writ of quo warranto, against the Memphis and St. Francis Plank Road Company, and the other resolution, instructing our Senators and requesting our Representatives in Congress, to use their best exertions to have established, a horse mail route from Huntsville, Madison county, by the way of Kingston, Madison county, and Samuel Whiteley's, in Newton county, to Jasper in Newton county, Arkansas.

House bill No. 58, to be entitled "an act to incorporate the Perkins Institute, in the town of Smithville, Lawrence county," was taken up, read a third time and passed.

Senate bill No. 7, entitled "an act to incorporate the town of Dardanelle, Yell county, Arkansas," was taken up, and the amendments thereto, heretofore reported by a select committee, read a first and second time.

On motion of Mr. Wood, the bill as amended, was read a third time and passed.

House bill No. 22, to be entitled an act providing for the sale of fractional section 16, in township north of range 9 east, in Crittenden county, was taken up.

On motion of Mr. Barton, the Senate amendments thereto were read a first and second time, and the bill as amended, read a third time and passed.

Mr. Wood was called to the chair.

Senate bill No. 16, to be entitled "an act for the relief of James J. Baker, late sheriff of Sebastian county;" was,

On motion of Mr. Johnson, took up, the amendments heretofore offered, read a first and second time and adopted.

On motion of Mr. Gregg, the bill, as amended, was read a third time and passed.

The following communication was received from the Governor:

EXECUEIVE OFFICE,
Little Rock, Arkansas,
25th Nov., 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

The Executive has received from the treasurer of the State, a letter, of which the following is a copy, to wit:

TREASURER'S OFFICE,
Little Rock, Arkansas,
23d November, 1854.

To His Excellency, ELIAS N. CONWAY,
Governor of Arkansas:

SIR: I have, this morning received peremptory notice from Mr. Wiliam Newton, acting administrator of the estate of Thomas W. Newton, to give immediate possession of the vault in the State bank of which he claims to be the legal owner.

As it is a matter of too grave consideration to be acted on by the writer, I request instructions from your Excellency as to the course to be pursued for the safe keeping of the money belonging to the State, now on deposit in the vault of the bank.

Very respectfully,
Your obedient serv't.,
J. H. CREASE,
Treasurer of Arkansas.

The law requires the State Treasurer to keep the money of the State in one of the vaults of the banking house of the Bank of the State of Arkansas, at Little Rock; but since that building is now claimed and controlled by individuals, who refuse to permit the treasurer to use the vault upon any terms, I recommend that an act be passed at an early day, requiring the treasurer to keep the monies of the State in his office, in the capital, and that an appropriation be made sufficient to make the room secure, as the treasury of the State should be. It is necessary that early action be had on the subject, and it is therefore recommended.

ELIAS N. CONWAY.

On motion of Mr. Norsworthy said communication was referred to the committee on ways and means.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to present for your honor's signature "an act to prevent the advertising, and withhold from sale certain swamp and overflowed lands."

W. L. D. WILLIAMS,
Secretary Senate.

On motion of Mr. Powel, House bill No. 33, to be entitled "an act providing for the payment of one half the value of slaves executed for capital offences," was taken up.

Mr. Powel moved to amend the amendment heretofore offered to said bill by inserting after the words "$500," the words "and upwards."

Which was adopted.

Mr. Johnson moved to amend said bill by excepting the county of Madison from the provisions of said bill.

Which was adopted.

Mr. Wood moved to lay said bill and the amendments thereto on the table, until the 4th day of July next.

Mr. Williams called for the yeas and nays; the call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Barton, Beck, Bruton, Bunch, Burgess, Butts, Calvert, Douglas, Ederington, Flippin, Gould, Guice, Harris, Hill, Hunter, Jacoway, Johnson, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Miller, Nunn, Pettigrew, Puryear, Ramsey, Smithson, Watson, Whinery, Williams, Wilson, Wood and Mr. Speaker—34.

Those members who voted in the negative, are

Messrs. Allen, Austell, Baxter, Beall, Bishop, Brown, Byrne, Cannon, Desha, Edmondson, Gordon, Gregg, Harding, Hockersmith, Holmes, Jones of Conway, Jones of Desha, Matthews Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Patterson, Poe, Powel, Primm, Rector, Redmond, Stillwell, Terry, Tuley, Wade and Witt—34.

So the motion to lay on the table did not prevail.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your honorable body, that the Senate have assented to House bill No. 99, to be entitled "an act to amend in part an act to call in the scrip of Hot Spring and Van Buren counties," approved November 27th, 1852.

Which is herewith returned.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Holmes moved to adjourn till Monday morning, 9 o'clock.

Mr. Speaker resumed the chair.

Mr. Redmond called for the yeas and nays; the call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Desha, Holmes, Neale, Nunn, Rector, Terry and Whinery—8.

Those members who voted in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Harding, Harris, Hill, Hockersmith, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Matthews, Miller, Montgomery, Morton, Moulden, Newton, Norsworthy, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Redmond, Smithson, Stillwell, Wade, Watson, Williams, Wilson, Witt, Wood and Mr. Speaker—60.

So the House refused to adjourn.

Mr. Gordon moved to amend House bill No. 33, entitled "an act providing for the payment of one half the value of slaves executed for capital offences," by adding the following as section 5:

Be it further enacted, That the county of Conway may be, and is hereby exempt from the operation of said law.

On motion of Mr. Beck, said bill and the amendments thereto, were referred to a select committee, consisting of Messrs. Beck, Powel and Guice.

Mr. Moulden moved to except Washington county; adopted

On motion of Mr. Poe, the House adjourned until Monday morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

MONDAY, *Nov. 27th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

On motion of Mr. Gordon, leave of absence was granted Mr. Harding, on account of indisposition.

Petitions from counties were in order.

Mr. Edmondson presented the petition of the "prohibitory law alliance," of the city of Fort Smith, asking the legislature to pass a law prohibiting the sale of ardent spirits.

Which was, on motion of Mr. Edmondson, referred to the committee on memorials.

Reports from standing committees were in order.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 93, entitled "an act for the relief of B. H. Smithson, late sheriff and collector of Washington county," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

REDMOND, *Chairman.*

Mr. Gordon made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 90, have had the same under consideration, and instruct me to report the same back and recommend its passage.

GORDON, *Chairman.*

Motions and resolutions were in order.

On motion of Mr. Gregg, Mr. Byrne was added to the committee on memorials.

Mr. Wood moved to suspend the rules so that Mr. Poe might be added to the committee on memorials.

Which motion was lost.

Mr. Beck offered the following preamble and resolutions:

WHEREAS, The north-western portion of the State of Arkansas, seems to be excluded from all participation in railroad facilities, further than to take a part in the discussion of such plans as may be brought out by the friends of the different railroads spoken of at this time.

And whereas, It is well known that the south-western portion of the State of Missouri, through which the "beautiful but neglected White river" drains, is composed of the counties of Green, Barry, Pope, Taney and Ozark, and the counties of Benton, Washington, Madison, Carroll, Marion, Newton, Searcy, Fulton, Izard, Lawrence and Independence, in the State of Arkansas.

And whereas, It is a certain fact that there has been specimens of different kinds of the more valuable minerals found in nearly all of the beforementioned counties, to say nothing of the great quantities of limestone of good quality—also, the great quantity of marble in the counties of Independence, Marion, Carroll and Newton.

And whereas, The aforesaid White river, running through, or draining the counties of Jackson, Prairie, Monroe, Arkansas and Desha, in the aforesaid State of Arkansas, which are great grain, cotton and stock growing counties, therefore,

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representatives be requested to use all their influence to procure the passage of a law by the Congress of the United States, to appropriate a sufficient sum of money to defray the expenses of a topographical survey of White river, with geological observations of the country before mentioned, beginning at the mouth of White river in the county of Desha, in the State of Arkansas, and ending at the mouth of James Fork of White river, in the State of Missouri, to ascertain the cost of improving said river in the beforementioned States.

Resolved further, That said surveyor ascertain the different kinds of the more valuable minerals and their relative value, with the staple productions of the country, with the water power and probable lumber trade, and report the same to the proper bureau of the general government.

Which preamble and resolutions were read a first time.

On motion of Mr. Beck, the rules were suspended the resolutions read a second time, and on motion of Mr. Redmond, referred to the committee on memorials.

Mr. Moulden offered the following resolution:

Resolved, That the resolution adopted by this House requesting the chaplain to preach in the House of Representatives on each Sabbath at 3 o'clock, of said day, be, and the same is hereby rescinded, so as to allow the chaplain to make and fill such appointments as he may think proper.

Which was adopted.

Mr. Stillwell introduced a bill to be entitled "an act to prohibit the treasurer of the State from receiving county scrip in payment for forfeited lands sold by the auditor."

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second time, and on motion of Mr. Redmond, referred to the committee on the judiciary.

Mr. Redmond introduced a bill, entitled "an act to amend the 153d chapter of the Digest, under the head of slaves."

Which was read a first time.

On motion of Mr. Redmond, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Guice introduced a bill entitled "an act to amend section 11 of an act entitled an act amendatory of existing laws regulating the landed interests of this State," approved January 12th, 1853.

Which was read a first time.

On motion of Mr. Guice, the rules were suspended, the bill read a second time, and on motion of Mr. Barton, referred to the committee on swamp lands.

Mr. Brown introduced House bill No. 105, to be entitled "an act to repeal sections 3 and 4, of chapter 153, article 1st of the Digest of the Statutes of Arkansas."

Which was read a first time.

On motion of Mr. Morton, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Gould introduced House bill No. 106, to be entitled "an act to amend the 81st chapter of the Digest of the Statutes, under the head of *habeas corpus*."

Which was read a first time.

On motion of Mr. Gould the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Ederington introduced House bill No. 107, to be entitled "an act to allow clerks of general elections, compensation for their services."

Which was read a first time.

On motion of Mr. Ederington, the rules were suspended and the bill read a second time.

Mr. Byrne moved to amend said bill by adding "and judges."

Mr. Tuley moved to lay said bill and amendment on the table till the 4th of July next.

Which was lost.

On motion of Mr. Matthews, the bill and the amendment were referred to a select committee, consisting of Messrs. Matthews, Ederington, Morton, Guice and Rector.

Mr. Gregg introduced a bill, to be entitled "an act to amend section 15 of chapter 71 of the Digest."

Which was read a first time.

On motion of Mr. Gregg, the rules were suspended, the bill read a second time, and

On motion of Mr. Stillwell, referred to the committee on the judiciary.

Mr. Patterson introduced a bill, to be entitled "an act to revive the ballot system of voting, and for other purposes."

Which was read a first time.

On motion of Mr. Patterson, the rules were suspended, the bill read a second time and referred.

On motion of Mr. Moulden, referred to the committee on the judiciary.

Mr. Rector introduced a bill, to be entitled "an act to make an appropriation for the payment of the State's attorneys, and for the attotneys for the State bank, for the years 1853 and 1854."

Which was read a first time.

On motion of Mr. Rector, the rules were suspended, the bill read a second time, and

On motion of Mr. Gordon, referred to the committee on ways and means.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 72, to be entitled "an act for the adopting and changing the name of Charity Lovely Happy Vaughan, an orphan child two years old, to the name of Rosina Brogan, and to constitute her the legal heir of Hugh Brogan."

Also to House bill No. 17, to be entitled "an act to incorporate the Batesville Male and Female Academy."

Also to House bill No. 13, to be entitled, "an act to change the time of holding the county courts of Bradley county."

Also to House bill No. 68, to be entitled "an act for the relief of Malachi Willis of Ashley county."

All of which are herewith returned.

The Senate have concurred in the amendment of the House to Senate bill No. 16, to be entitled "an act for the relief of James J. Baker, late sheriff of Sebastian county."

I am further instructed to inform your honorable body that the

Senate presents for your honor's signature, "an act for the relief of James J. Baker, late sheriff of Sebastian county."

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Rector introduced House bill, to be entitled "an act to provide for the payment of the balance due for printing the 14th volume of the reports of the supreme court."

Which was read a first time.

On motion of Mr. Rector, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Mr. Barton introduced a bill to be entitled "an act to incorporate the Arkansas Western Mining Company."

Which was read a first time.

On motion of Mr. Barton, the rules were suspended, the bill read a second time, and refered to a select committee, consisting of Messrs. Barton, Harding, Jacoway, Watson and Patterson.

Mr. Morton was called to the chair.

Mr. Byrne had leave to witdraw House bill No. 27, for the purpose of making some amendments.

On motion of Mr. Bruton, the orders of the day were taken up.

House bill No. 20, to be entitled "an act to amend sections 9 and 10, article 3, of the Revised Statutes of the State of Arkansas, and to make other and further amendments concerning runaway slaves," was taken up, read a third time and passed.

House bill No. 4, entitled "an act to suppress the circulation of small notes in this State," was taken up and read a second time.

On motion of Mr. Stillwell, the bill was referred to the committee of the whole House, and made the order of the day for Wednesday next.

House bill No. 84, entitled "an act for the relief of George W. and Augustus Goolsby," was taken up, read a second time, and

On motion of Mr. Bruton, referred to the committee on claims.

House bill No. 25, to be entitled "an act to amend the 2d section of the 29th chapter of the Digest," was taken up with the report of the committee, recommending the rejection of the bill.

On motion of Mr. Gregg, said report was adopted and the bill rejected.

On motion of Mr. Patterson, the joint resolution of the House concerning the Memphis navy yard, was taken up, read a third time and adopted.

On motion of Mr. Byrne, the joint resalution of the House in regard to school lands in Lafayette county, was taken up, read a third time and adopted.

The following message was received from the Governor:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 25th day of Nov., 1854, he approved and signed, an act to change the time of holding the probate court in Poinsett county. An act to repeal in part an act to exempt the counties of Van Buren and Conway from the 3d section of the 138th chapter of the late Revised Digest, under the head of revenue, approved January 8th, 1849; and an act to change the time of holding the probate courts of Scott county.

R. H. JOHNSON,
Private Secretary.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
Little Rock, Arkansas,
27th Nov., 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

Yesterday evening, the Executive received from the secretary of the Fort Smith and Little Rock branch of the Cairo and Fulton railroad company, a letter, enclosing a copy of certain resolutions of that company, accepting the report of the chief engineer, fixing the line of the route for the branch road, and making a proposition to build the road.

These resolutions were not furnished the Governor until yesterday, and a copy of them, and also a copy of the communication of the secretary enclosing them to the Governor, are herewith transmitted for the information of the General Assembly.

ELIAS N. CONWAY.

The amendments to the constitution, proposed by Mr. Rector, were taken up.

The first proposition, to wit: The Secretary of State shall be elected by the qualified voters of this State, and shall hold his office for the term of 4 years, and until his successor is elected and qualified, was before the House.

The clerk proceeded to call the roll, when the following gentlemen voted in favor of the first proposed amendment, to wit:

Messrs. Allen, Austell, Barton, Beck, Brown, Bruton, Bunch, Burgess, Butts, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Macon, Matthews, Miller, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Terry, Thorn, Wade, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—62.

Those voting in the negative, are

Messrs. Baxter, Beall, Bishop, Byrne, Calvert, Cannon, Montgomery and Primm—8.

So the first amendment passed to a second reading.

The second proposed amendment, to wit: The Auditor and Treasurer shall be elected by the qualified voters of this State, and shall hold their offices for the term prescribed by law, and until their successors are elected and qualified, was before the House.

The following members voted in favor of the proposition, to wit:

Messrs. Allen, Austell, Barton, Beck, Brown, Bruton, Bunch, Burgess, Butts, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Macon, Matthews, Miller, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Terry, Thorn, Wade, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—61.

Those voting in the negative, are

Messrs. Baxter, Beall, Bishop, Byrne, Calvert, Cannon, Jones of Desha, Montgomery and Primm—9.

So the second proposed amendment passed to a second reading.

The third amendment, to wit: The Chief Justice of this State and the Associate Judges of the Supreme Court, shall be elected by the qualified voters of this State, and hold their offices for the term prescribed by law, and until their successors are elected and qualified, was also before the House.

When the following members voted for the proposition, to wit:

Messrs. Allen, Austell, Barton, Beck, Brown, Bruton, Bunch, Burgess, Butts, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Macon, Matthews, Miller, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Terry, Thorn, Wade, Watson, Whinery, Williams, Wilson, Wood and Mr. Speaker—61.

Those voting in the negative, are

Messrs. Baxter, Beall, Bishop, Byrne, Calvert, Jones of Desha, Montgomery and Primm—8.

So the third proposed amendment passed to a third reading.

On motion of Mr. Neale, the House adjourned till to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

TUESDAY, *Nov. 28th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

On motion of Mr. Pettigrew, Mr. Bishop had leave of absence.

Mr. Poe offered the following resolution:

Resolved, That the resolution heretofore adopted by this House, requiring a call of the roll every morning be, and the same is hereby rescinded.

Which was adopted.

Petitions from counties were in order.

Mr. Redmond presented a memorial of sundry citizens of the State of Arkansas, praying the Legislature to donate the land reverting to the Mississippi branch of the Cairo and Fulton railroad to the president and directors of the Arkansas Midland railroad company.

Which, on motion of Mr. Redmond, was referred to the committee on internal improvements.

Mr. Beall presented the petition of R. L. Pegues, praying additional compensation for State printing.

Which was, on motion of Mr. Williams, referred to the committee on claims.

Mr. Butts presented a petition of sundry citizens of Clarksville, praying a modification or repeal of the charter of that city.

Which was, on motion of Mr. Butts, referred to a select committee, of Messrs. Butts, Matthews, Wood, Miller and Gould.

On motion of Mr. Beall, leave of absence was granted Mr. Barkman in consequence of indisposition.

Mr. Beck presented the petition of sundry citizens of Izard county, praying the legislature to pass an act divorcing Mary Chiswell from her present husband.

Which, on motion of Mr. Barton, was referred to the committee on the judiciary.

Mr. Speaker laid before the House of Representatives the following communication from the Secretary of State:

OFFICE OF THE SECRETARY OF STATE,
Little Rock, 28th Nov., 1854.

SIR: I have the honor to transmit herewith, the pamphlets containg the act of Congress, the laws of the State of Arkansas, etc., in relation to the swamp lands, which I have had printed in obedience to a resolution of the House of Representatives.

Respectfully,
D. B. GREER,
Secretary of State.

Hon. SAMUEL MITCHELL, *Speaker*
of the House of Representatives.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The standing committee on claims, to whom was referred House bill No. 84, have had the same under consideration, and have instructed me to report the same back to the House without amendment, and recommend its passage.

P. M. JOHNSON *Ch'n.*

Mr. Jones of Desha, made the following report:

Mr. Speaker:

The committee on swamp lands, levees and drains, to whom was referred House bill No. 59, entitled "an act to amend an act entitled an act amendatory of existing laws regulating the landed interests of this State," have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

JONES of Desha, *Ch'n.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred House bill No. 101, entitled "an act to amend in part the 52d chapter of the Digest of the statutes of this State," have had the same under consideration, and have instructed me to report the same back with the following amendment, to wit: Between the word "manner" and the word "and" in the 4th section, insert the words "upon the same testimony as was had in the court of enquiry," and to recommend the passage of the bill as amended.

DESHA, *Chairman.*

Mr. Desha also made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 102, to be entitled "an act to amend an act to exempt a homestead from execution," approved Dec. 8th, 1852, have had the same under consideration, and instruct me to report, that said bill proposes to allow every free white citizen of this State, male or female, being a householder or head of a family, not owning lands or town lots as a homestead, as prescribed in the act to which said bill is an amendment, five hundred dollars worth of personal property, over and above the household furniture as is now prescribed by existing laws. The committee deem it inexpedient to pass said bill in addition to the law already in force, exempting property from execution. They therefore instruct me to recommend the rejection of said bill.

The committee have also considered House bill, entitled "an act to amend the 4th section of the 65th chapter of the Digest, under the head of estrays," and recommend its rejection.

They have further considered House bill, entitled "an act to authorize justices of the peace to issue executions upon judgments obtained before justices of the peace other than themselves," and instruct me to report the following amendment: Strike out the word "three" between the words "than" and "days," in the 6th line in section 2d, and insert in lieu thereof, the word "ten," and recommend as amended its passage.

They have also considered House resolution, instructing this committee to enquire into the expediency of passing a law, declaring that the certificates of purchase of the swamp and overflowed lands should be sufficient evidence to enable the owners of said certificates to institute and maintain actions of ejectment and trespass, and instruct me to report the annexed bill on the subject, and recommend its passage.

DESHA, *Ch'n.*

Which said last bill was read a first time.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act providing for the sale of fractional section 16th, in township 6, north of range 9 east, in Crittenden county."

Also, "an act for the benefit of jurors in Clark county," and instruct me to report the same as correctly enrolled.

HOLMES, *Ch'n.*

Reports from select committees were in order.

Mr. Desha moved to suspend the rules in order that Mr. Poe might be added to the committee on memorials.

Which motion was lost.

Mr. Gregg moved to strike out all over the original number of names constituting the committee on memorials.

Which motion was lost.

Mr. Whinery offered the following resolution:

Resolved by the Senate and House of Representatives, That our Senators and Representatives in Congress be instructed to use their best efforts to procure the passage of a law granting to the Border railroad alternate sections of land for the use and benefit of said road.

Which was read a first time.

On motion of Mr. Whinery, the rules were suspended, the resolution read a second and third time and adopted.

Mr. Rice offered the following resolution.

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed and our Representatives requested to use their influence to procure the establishment of a line of tri-weekly post coaches from Little Rock to Helena, and on the Mississippi by way of Aberdeen and Lawrenceville.

Which was read a first time.

On motion of Mr. Rice, the rules were suspended, and the resolution read a second time.

Mr. Patterson offered the following amendment to said resolution:

Resolved, That our Senators in Congress be instructed and our Representatives be requested to use their best exertions to procure the establishment of a line of four horse post coaches from Jacksonport, on White river, to Fort Smith; also to establish a line of two horse coaches from Jacksonport to Pocahontas, in Randolph county.

Resolved 2dly, That our Senators and Representatives be requested not to surrender any of the mail facilities now possessed by the citizens of Arkansas, except the one horse mail routes on the road mentioned in the first resolution.

Which was agreed to, and the resolution as amended referred to the committee on memorials.

Mr. Rector made the following report:

Mr. Speaker:

The committee on internal improvements to whom was referred House bill No. 52, entitled "an act to amend the existing road law," have had the same under consideration, and instruct me to report the bill back to the House and recommend its reference to the select committee on roads and road laws.

RECTOR, *Chairman.*

Mr. Bruton introduced a bill, to be entitled "an act to confirm the survey of the Little Rock and Fort Smith branch of the Cairo and Fulton railroad, and to appropriate the lands granted by Congress to the State of Arkansas, for the construction of said branch road."

Which was read a first time.

On motion of Mr. Bruton, the rules were suspended, and the bill read a second time.

On motion of Mr. Moulden, said bill, together with the Governor's message and accompanying documents concerning the same, was referred to the committee on internal improvements.

Mr. Watson offered the following proposed amendment to the constitution, to wit:

The office of Attorney General is hereby created and established, and the qualified voters of this State shall elect some person learned in the law, to be styled Attorney General, whose duty it shall be to prosecute or defend in the supreme court in all cases where the State is a party, and shall institute and prosecute all suits necessary to be instituted by the State, and shall hold his office for the term of four years, and until his successor is elected and qualified, and shall be commissioned by the Governor. The Attorney General shall receive a salary for his services to be fixed by law, which shall not be increased or diminished during the time for which he is elected.

Mr. Williams offered the following resolution:

Resolved, That the two Houses of the General Assembly go into the election of Auditor of Public Accounts on Thursday next, at 11 o'clock, A. M.

Which was adopted.

Mr. Hill proposed the following amendment to the constitution of this State, to wit:

Resolved by the General Assembly of the State of Arkansas, That the following amendment be, and the same is hereby proposed to the constitution of the State of Arkansas, viz: That all counties now in existence in this State, without regard to area or population, be, and the same are hereby declared constitutional.

Mr. Barton introduced House bill No. 120, to be entitled "an act to carry into effect the act of Congress granting lands to the State of Arkansas, for railroad purposes," approved Feb. 9th, 1853.

Which was read a first time.

On motion of Mr. Barton, the rules were suspended, the bill read a second time and referred to the committee on internal improvements.

On motion of Mr. Butts, House bill No. 70, to be entitled "an act to exempt certain persons from paying a poll tax," was taken up and recommitted to a select committee, consisting of Messrs. Butts, Gordon, Gregg, Wilson and Redmond.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 39, to be entitled "an act to increase the pay of jurors and witnesses in Chicot county."

The Senate have passed Senate bill No. 19, to be entitled "an act to amend in part the 153d chapter of the Digest of the statutes of Arkansas, in relation to the police regulation of slaves."

Which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Calvert introduced House bill No. 121, to be entitled "an act to authorize Joseph A. Lovett and Jared A. Barnes to build a toll bridge and keep a ferry across Languille river, in St. Francis county, Arkansas.

Which was read a first time.

On motion of Mr. Austell, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Austell, Calvert and Barton.

Mr. Poe introduced House bill No. 122, to be entitled "an act to authorize Joseph Weston to sell certain real estate in Conway county."

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Gordon, Poe, Puryear, Stillwell and Bruton.

Mr. Byrne introduced House bill No. 123, to be entitled "an act to change the time of holding the county and probate courts of Lafayette county."

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended and the bill read a second time.

Mr. Jones of Conway introduced House bill No. 124, to be entitled "an act to separate the county and probate courts of Conway county."

Which was read a first time.

On motion of Mr. Jones of Conway, the rules were suspended, the bill read a second and third time and passed.

Mr. Stillwell introduced House bill No. 125, to be entitled "an act to change the name of Byron Green to Byron Green Annear, and to constitute him the lawful heir of William Annear."

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Wood, the orders of the day were taken up.

House bill No. 54, to be entitled "an act to amend in part the 16th chapter of the Digest of the statutes of the State of Arkansas, under the head of attachments before justices of the peace," was taken up and read a second time and referred to the committee on the judiciary, by motion of Mr. Gregg.

House bill No. 82, to be entitled "an act to amend section 24, chapter 170, of the Digest of the statutes of the State of Arkansas," was taken up and read a second time, and on motion of Mr. Patterson, referred to the committee on the judiciary.

The resolution heretofore offered by Mr. Miller, in regard to the secret order known by the name of "Know Nothings," was taken up and read.

Mr. Moulden moved to lay said resolution on the table indefinitely.

Mr. Miller called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted to lay said resolution on the table, are

Messrs. Allen, Barton, Beall, Burgess, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Guice, Harris, Holmes, Jacoway, Jones of Conway, Jones of Lawrence, Logan, Montgomery, Morton, Moulden, Neale, Nunn, Patterson, Pettigrew, Poe, Primm, Stillwell, Stringfellow, Terry, Thorn, Wade, Watson, Whinery, Wilson, Witt, Wood and Mr. Speaker—41.

Those members who voted in the negative, are

Messrs. Austell, Baxter, Beck, Brown, Bruton, Bunch, Gregg, Haggin, Hill, Hockersmith, Hunter, Jones of Desha, Jones of Hot Spring, Jernigin, Leslie, Macon, Matthews, Miller, Newton, Norsworthy, Powel, Puryear, Ramsey, Redmond, Rice, Smithson and Tuley—27.

So the resolution was laid on the table indefinitely.

Mr. Rector moved to adjourn.

Mr. Macon called for the ayes and nays, which call being sustained, the roll was called.

Those voting in the affirmative, are

Messrs. Allen, Beck, Burgess, Edmondson, Guice, Haggin, Harris, Holmes, Jones of Hot Spring, Leslie, Matthews, Neale, Norsworthy, Poe, Primm, Ramsey, Rector, Tuley, Whinery, Williams and Wood—21.

Those members voting in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Brown, Bruton, Bunch, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Ederington, Flippin, Gordon, Gould, Hill, Hockersmith, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Lawrence, Jernigin, Logan, Macon, Miller, Morton, Moulden, Newton, Nunn, Patterson, Pettigrew, Powel, Redmond, Rice, Stillwell, Stringfellow, Terry, Thorn, Wade, Watson, Wilson, Witt and Mr. Speaker—47.

So the House refused to adjourn.

Mr. Smithson introduced a bill to be entitled "an act to carry into effect the act of Congress, granting lands to the State of Arkansas, for railroad purposes," approved 9th February, 1853.

Which was read a first time.

On motion of Mr. Smithson, the rules were suspended, the bill read a second time, and, on motion of Mr. Bruton, referred to the committee on internal improvements.

Mr. Tuley moved an adjournment.

Which was lost.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your honorable body that the Senate have assented to the first of House amendments to Senate bill No. 7, to be entitled "an act to incorporate the town of Dardanelle, Yell county, Arkansas," but refuse to assent to the second amendment thereto, to strike out the 17th section of said bill, and insist on the passage of the bill, without the engrafting said amendment on the bill, which is herewith returned for the further action of your honorable body.

W. L. D. WILLIAMS,
Secretary of Senate.

House bill No. 31, entitled "an act to legalize the sale of certain school lands in the State of Arkansas," was taken up and read a third time.

Mr. Baxter offered to amend, by way of ride, as follows, to wit: Strike out the words, "in strict conformity," and insert in lieu thereof, the words, "in good faith, and payments thereon made in conformity."

Which was read a first, second and third time, and the bill as amended, passed.

Mr. Rector offered the following resolution:

Resolved, That our delegation in Congress be instructed to use their best efforts to so amend the postal laws of the United States as to afford a sufficient amount of revenue to defray the legitimate and necessary expenses of the post office department.

Which was read a first time.

Senate bill No. 13, entitled "an act to authorize and require the legal Representatives of Lambert J. Reardon, late State Land Agent, to deliver to the Auditor of Public Accounts the books, maps, etc., pertaining to his office, and for other purposes," was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

On motion of Mr. Jernigin the House adjourned till 9 o'clock to-morrow morning.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

WEDNESDAY, *Nov.* 29*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Mr. Watson presented the petition of sundry citizens of Clarksville remonstrating against the prayer of the petitioners of said city in regard to a repeal of the charter of the same.

On motion, the petition was referred to the select committee already appointed to investigate said subject.

On motion of Mr Gordon, Mr. Watson was added to said committee.

On motion, Mr. Butts was also added.

Reports from standing committees were in order.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill entitled "an act to pay the balance due for the printing the 14th volume of the Supreme Court Reports," have considered the same, and instruct me to report a substitute, and recommend its passage.

REDMOND, *Ch'n.*

Which substitute bill, entitled "an act, to pay for the binding the 14th volume, and the printing of the 14th and 15th volumes of the Supreme Court Reports," was read a first time.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to place so much of the military roads as lie in the county of Independence, under the jurisdiction of the county court of said county."

"An act to amend in part an act entitled an act to call in the scrip of Hot Spring and Van Buren counties," approved November 27th, 1852.

"An act for the relief of Malachi Willis, of Ashley county."

"An act for the adoption and changing the name of Charity Lovely Happy Vaughan."

"An act to change the time of holding the county courts of Bradley county."

"An act to incorporate the Batesville Male and Female Academy."

"An act to increase the pay of jurors and witnesses in Chicot, Monroe and Jefferson counties," and have instructed me to report the same as correctly enrolled.

HOLMES, *Ch'n.*

Reports from select committees were in order.

Mr. Barton made the following report:

Mr. Speaker:

The select committee, to whom was referred House bill No. 112, to incorporate the Western Arkansas Mining Company, have had the same under consideration, and recommend its passage.

BARTON, *Ch'n.*

Motions and resolutions were in order.

Mr. Guice offered the following resolution:

Resolved, That the Auditor of Public Accounts, be, and he is hereby requested to inform the House what quantity of swamp and overflowed lands have been reclaimed, the number of acres in each county, and the number of acres now assessed for taxation.

Which was adopted.

Mr. Witt offered the following resolution:

Resolved, That our Senators in Congress be instructed and our Representatives be requested to use their influence to procure a horse mail route from Rich Woods, Izard county, Arkansas, running by Turkey Creek, in Van Buren county, thence by Middle Town, on Little Red River, in said county of Van Buren, thence to Clinton, in said county, and back once a week.

Which was read a first time.

Mr. Jernigin gave notice, that he would, on Monday next, or some convenient day thereafter, introduce a bill to authorize and require the clerk of the county and circuit courts of Polk county to transcribe certain records of said county.

Mr. Bunch gave notice, that he would, on Monday next, or some day thereafter, introduce a bill to cause persons desiring to retail vinous or ardent spirits, to give the amount invested to the sheriff, and pay license according to said investment.

Mr. Wood intronuced a bill entitled "an act to amend the 159th chapter of the Digest."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and, on motion of Mr. Bruton referred to a select committee, consisting of Messrs. Bruton, Guice, Ederington, Haggin and Smithson.

Mr. Holmes introduced a bill to be entitled "an act to change the time of holding the election for members of Congress from this State."

Which was read a first time.

On motion of Mr. Holmes the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Powel had leave to withdraw House bill 81, and introduce in lieu thereof, a bill entitled "an act to repeal the 14th section of an act to provide for the reclaiming of the swamp and overflowed lands donated to the State by the United States, approved, January 6th, 1851, and for other purposes."

Which was read a first time.

On motion of Mr. Powel, the rules were suspended, the bill read a second time, and on motion of Mr. Barton, referred to the committee on the judiciary.

Mr. Norsworthy introduced House bill No. 130, to be entitled "an act to amend the administration laws of this State."

Which was read a first time.

On Motion of Mr. Norsworthy, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Williams introduced House bill No. 131, to be entitled "an act to provide for the refunding of swamp land scrip located on unconfirmed swamp and overflowed lands and to confirm certain irregular entries and other purposes."

Which was read a first time.

On motion of Mr. Williams, the rules were suspended, the bill read a second time and referred to the committee on swamp land levees and drains.

Mr. Butts introduced House bill No. 132, to be entitled "an act to regulate the election of the office of sheriff in this State."

Which was read a first time.

On motion of Mr. Butts, the rules were suspended, the bill read a second time, and referred to a select committee, consisting of Messrs. Butts, Johnson, Neale, Beck and Baxter.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to inform your honorable body that the Senate have assented to House bill No. 62, to be entitled "an act for the benefit of George W. Lovel and Samuel W. Peel, of Independence county."

Also to House bill No. 47, to be entitled "an act to compensate jurors and witnesses attending courts of record in Drew county."

Also House bill No. 94, to be entitled "an act to authorize the county court of Izard county to procure field notes and maps of the lands in said county."

Also House bill No. 74, to be entitled "an act to change the time of holding the probate courts in the counties of Izard, Marion and Van Buren."

Also to House bill No. 71, to be entitled "an act for the benefit of jurors in Columbia county, and witnesses in the counties of Lafayette and Columbia."

Also to House bill No. 97, to be entitled "an act to change the time of holding the probate court of Calhoun county."

Also to House bill No. 57, to be entitled "an act to incorporate the town of Hamburg, in Ashley county, Arkansas," with two amendments thereto, to which the assent of your honorable body is respectfully asked.

All of which, are herewith returned.

The Senate have passed Senate bill No. 31, to be entitled "an act to restrict the burning of woods in certain counties."

Also Senate bill No. 35, to be entitled "an act to authorize the issuance of patents to assignees of purchasers of swamp and overflowed lands."

The Senate have adopted a joint resolution providing for the publishing of those acts passed at the last General Assembly, but which have been omitted in publishing the acts of that session, which is herewith presented for the consideration of your honorable body.

W. L. D. WILLIAMS,
Sec'y Senate.

The following communication was received from His Excellency, by the hands of R. H. Johnson, esq.

EXECUTIVE OFFICE,
Little Rock, Arkansas,
29th Nov., 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

A joint resolution of the General Assembly, on the subject of printing, has been presented to the Governor for his approval, but is herewith returned, with his objections to approving and signing it. This resolution is in conflict with the act of the 10th of January, 1853, which provides for the printing of the Governor's message and accompanying documents, for the use of the General Assembly, for each session. Chapter 130, of the Digest of the Statutes of Arkansas, also remains in force, but has not been regarded for several past sessions of the General Assembly. The prices fixed by this chapter are too high, but there are some good provisions in the law, for holding the printer to account for the faithful execution of the work, in reasonable time, and in case of a failure to perform the printing, the Governor is, by this law, authorized to have it done by some other printer. Under the policy indicated by the objectionable resolution, neither the Governor nor any other officer would have the power to enforce the execution of the work, except through the intervention of the courts, and as heretofore has been the case, the people might for months, be deprived of the laws enacted and in force.

I deem it far better for the interest of the public, that a law should be enacted fixing the prices to be paid for printing, and imposing suitable penalties and forfeitures, in case the public printer should fail to discharge his duty; and giving the necessary power to some officer to have the acts and journals printed and distributed in a reasonable time, so that we may have no more complaints, heretofore well founded, on the subject of acts and journals.

In many of the counties the people have often suffered much in consequence for the want of the acts and journals, and this has arisen as a natural result, from the loose manner of contracting for the execution of the work, without suitable legislation as the basis of proceeding.

Printers, like other public officers, ough tto be paid a just compensation, and then held strictly to account for the performance of their duties, when they undertake to serve the State. The act of the 10th of January, 1853, relative to printing the Governor's message and accompanying documents, is a good one, and I recommend that it remain in force. It also seems to be due from the legislature to the executive and judicial departments, that these two co-ordinate departments should not be forced by the legislative department, to have the small amount of public printing, necessary in the discharge of their duties, performed by a printer who might perhaps obtain the contract, and have his office at some point many miles from the seat of government.

In addition to the inconvenience, it does not seem proper that the Executive of the State should be forced to publish his proclamations and other official papers, at offices controlled by those who are, or might be unjust and uncourteous to him as an officer, to such an extent as to require that the Governor should either read the proof himself, or submit to having his productions erroneously published.

Let the prices of publishing and printing such matter as may be required by the Executive, be fixed by law, and have him free in his department, to select such printers as he may choose, and you will find the Executive co-operating with you in all proper economy, and by having that small discretionary power of selecting the printer for his own official publications, will feel that each department of the government is willing for the other to be left free to act in the discharge of their duties, without being forced by the legislature into disagreeable positions, and that too, without saving one cent to the State, or in any manner promoting the public good.

The Executiue knows that the legislative department had no such object in view by the adoption of the joint resolution, now returned. But if the policy indicated by it, should be carried out, without any further legislation, it would be in violation of existing laws, and an infringement by the legislature, upon the rights of the executive and judicial departments, and at the same time would be continuing a policy, under which public inconvenience has arisen.

The legislative department and the executive, desire the same objects, that is the proper execution of the public printing, for a reasonable consideration, and within a reasonable time, and these can all be attained by suitable legislation, without infringing on the rigts of any of the three departments of the government. If a law were passed, amending chapter 130, of the Digest, fixing the prices, and providing, as that chapter does, for the election of a public printer, it would perhaps, be the best policy. We would then have an accountable and responsible public printer, under bond, who could be required to perform the printing in due time, or surrender the same to some one employed by the Govenor to complete the work.

With the resolution and these remarks, the whole matter is submitted for your reconsideration, with the hope and belief that it will be so adjusted as to be entirely satisfactory, and the public interest promoted.

ELIAS N. CONWAY.

On motion of Mr. Wood, the House resolved itself into committee of the whole upon House bill No. 4, to be entitled "an act to suppress the circulation of small notes in this State."

Mr. Desha in the chair.

The committee, after sitting some time, arose, and through their chairman, reported said bill back to the House, with sundry amendments thereto, and recommended the passage of the bill as amended.

On motion of Mr. Wood, the amendments reported by the chairman of the committee of the whole House, were read a first and second time and adopted.

Mr. Miller moved to amend said bill by inserting in the second section of said bill, after the words, "one hundred dollars" and "be imprisoned five years in the State Penitentiary," which,

On motion of Mr. Redmond, was laid on the table.

On motion of Mr. Rector, said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Jones of Desha moved to suspend the rules of the House, in order to take up House bill No. 59, which was lost.

House bill to be entitled "an act to suppress the empirical practice of medicine in the State of Arkansas," being the order of the day, was taken up.

Mr. Stringfellow moved to amend said bill by excepting from the provisions of said act persons practicing "obstetrics," and that said bill should not apply to persons practicing medicine, or surgery, now, or at the time of the passage of the bill.

Both of which were adopted.

Mr. Williams offered to amend the 13th section, in line second, by inserting after the words "at the time of the passage of this act," the following, "until the first meeting of the boards," prescribed in this act.

Which was read and adopted.

Mr. Wood moved to amend said bill by "exempting Madison county from its provisions."

Which was lost.

Mr. Morton moved to amend said bill by exempting the county of Crawford from its provisions.

Mr. Logan moved to amend said amendment, as follows to wit: in section 3d, line 2d, strike out the word "5" and insert "6;" in line 3d, after the word "Batesville" insert Fort Smith, in section 13, line 2d, after the words "medicine in this State," insert previous to the provisions of this act "or females when called to the assistance of each other."

Pending the question upon the adoption of the amendment, to the amendment, on motion of Mr. Morton, the House adjourned till to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

THURSDAY, *November 30th*, 1854.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday read and approved.

On motion of Mr. Wilson, Mr. Johnson had leave of absence on account of indisposition.

Petitions from counties were in order.

Mr. Nunn presented the petition of sundry citizens of Lawrece county, asking the passage of a law making a new county out of the western portion of said county.

Which was, on motion of Mr. Nunn, referred to the committee on county and county lines.

Mr. Wade presented the memorial of the Liberty Baptist Association, held at Lisbon, in September last, asking the legislature to pass a law to arrest the evils of intemperance.

Which was, on motion of Mr. Wood, referred to the committee on memorials.

Mr. Rice presented the memorial of sundry citizens of Arkansas, asking the legislature to donate the lands reverting to the Mississippi branch of the Cairo and Fulton Railroad, to the President and Directors of the Arkansas Midland Railroad Company.

Which was, on motion of Mr. Rice, referred to the committee on internal improvements.

Reports from standing committees were in order.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred the Governor's message of the 25th inst., have considered the same, and instruct me to report the accompanying bill and recommend its passage.

REDMOND, *Chairman.*

Which bill, entitled "an act to make an appropriation to build an iron vault, to hold the State revenue and other deposits of the State," was read a first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second and third time and passed.

Mr. Newton made the following report:

Mr. Speaker:

The committee on county and county lines, to whom was referred the resolution to ascertain the number of square miles in this State, beg leave to report that they have made several efforts to obtain the same, but find that in order to obtain a correct estimate, it would be necessary to obtain the services of a clerk, in the surveyor's office, which would cost some $25 or $30, and therefore would beg to be excused from the further consideration of the subject.

NEWTON, *Chairman.*

Which report was adopted.

Mr. Newton further reported that said committee had considered a resolution enquiring into the expediency of amending the constitution, so as to reduce counties below the constitutional basis of 900 square miles, and deem it inexpedient, and recommend its rejection. NEWTON, *Chairman.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill 54, entitled an act to amend in part the 16th chapter of the Digest, under the head of attachments before justices of the peace, have had the same under consideration, and instruct me to report that upon examination of said bill they find it to be a substitute for House bill 12, on the same subject, which House bill 12, was referred to this committee at a previous day of the session, and upon examination of said House bill, this committee prepared a substitute No. 54, in lieu thereof, and reported the same back to the House and recommended its passage; the committee therefore again report the substitute bill back to the House and recommend its passage.

Also Senate bill 13, entitled "an act to authorize and require the legal representatives of Lambert J. Reardon, late State land agent, to deliver to the auditor of public accounts, the books, maps, etc., pertaining to his office, and for other purposes," and recommend its passage.

The committee recommend the rejection of House bill, entitled "an act to amend chapter 153 of the Digest, under the head of slaves;" and also recommend the rejection of House bill entitled "an act to amend chapter 81 of the Digest, under the head of *habeas corpus*." The committee recommend the passage of House bill 108, entitled "an act to amend section 15, chapter 71 of Digest."

They also recommend the passage of House bill 105, to be entitled "an act to prohibit the treasurer of the State from receiving county scrip in payment for forfeited lands sold by the auditor."

They also recommend the passage of House bill 96, to be entitled "an act to increase the pay of grand and petit jurors, in Pulaski county."

They further recommend the passage of House bill 88, to be entitled an act for the relief of Roof Howell, late sheriff and collector of the State and county revenue of Pope county.

DESHA, *Chairman.*

On motion of Mr. Bruton, the rules were suspended, said last mentioned bill read a third time and passed.

Mr. Speaker announced that reports from select committees were in order.

Mr. Pettigrew submitted the following report:

Mr. Speaker:

The select committee to whom was referred the petition of the citizens of the town of Paraclifta, in the county of Sevier, praying the legislature to pass an act incorporating said town, have had the same under advisement, and have instructed me to report and recommend the passage of such act, and for that purpose a bill is introduced.

C. PETTIGREW, *Chairman.*

Said bill, entitled "an act to incorporate the town of Paraclifta," was read a first time.

On motion of Mr. Pettigrew, the rules were suspended, the bill read a second time, and

On motion of Mr. Wood, the rules were further suspended, the bill read a third time and possed.

Mr. Gordon made the following report:

Mr. Speaker:

We, a majority of your committee, to whom was referred House bill No. 122, have had the same under consideration, and instruct me to report it back without amendment, and recommend its passage.

GORDON, *Chairman.*

Mr. Stillwell, from the same committee, made the following minority report:

Mr. Speaker:

The undersigned, a minority of the select committee, to whom was referred House bill No. 122, beg leave to report against said bill and recommend its rejection.

STILLWELL.

Mr. Matthews submitted the following report:

Mr. Speaker:

The committee to whom was referred House bill No. 107, have instructed me to report the same back to the House and recommend its passage, with the following amendments, viz: after the word "clerks," in the first section, add "and judges," and further recommend that the following be added as a 3d section to said bill:

Sec. 3d. *Be it further enacted*, That nothing herein shall be so construed as to allow clerks and judges of special elections any compensation. MATTHEWS, *Chairman.*

Mr. Butts offered the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 70, have had the same under consideration, and have instructed me to report the same back with the following amendment, by striking out the words "45 years" and inserting "55 years," and recommend its passage as amended.

BUTTS, *Chairman.*

Mr. Speaker announced that motions and resolutions were in order.

Mr. Wood offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators and Representatives in Congress, be instructed to procure the passage of a law granting a weekly mail route, commencing at Huntsville, Arkansas, thence to Augustus Tood's in

Madison county, thence to M. D. Tilford's, in said county, thence to Washbourne's Prairie, in Missouri.

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the resolution read a second and third time and adopted.

Mr. Pettigrew offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators and Representatives in Congress be requested to enquire into the expediency of passing "an act of Congress for the conveyance of the United States mail, in a two horse stage, twice a week from Paraclifta, in Sevier county, to Doaksville, in the Choctaw Nation."

Which was read a first time.

On motion of Mr. Pettigrew, the rules were suspended, the resolution read a second and third time and adopted.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill 72, to be entitled "an act declaring township 3 north, in range one east, to be in Monroe county."

Also, to House bill 58, to be entitled "an act to incorporate the Perkins Institute, in Lawrence county."

Also, to House bill 124, to be entitled "an act to separate the county and probate courts of Conway county."

Also to House bill 89, to be entitled "an act to provide more fully for the incorporation of the city of Fort Smith," with an amendment thereto, to which the concurrence of your honorable body is respectfully asked.

Also to House bill No. 60, to be entitled "an act to prevent the building of dams acress streams in Crittenden county," with several amendments thereto, to which the assent of your honorable body is respectfully asked.

The Senate have passed Senate bill No. 36, to be entitled "an act to authorize grocery keepers and retailers of ardent spirits to collect their debts as other tradesmen."

Also Senate bill No. 32, entitled "an act to amend the 85th chapter of the Digest, under the head of enclosures."

Which are all herewith transmitted for the assent of your honorable body, which is respectfully asked.

The Senate have concurred in the joint resolution of the House proposing to go into an election for Auditor, at 12 o'clock, this day, with an amendment thereto, in which the concurrence of your honorable body is respectfully asked.

W. L. D. WILLIAMS,
Sec'y of the Senate.

Mr. Beall offered the followin resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed and our Representatives be requested to use their influence to procure the establishment of a daily line of four-horse mail coaches from Helena, Arkansas, via Lawrenceville, Aberdeen and Brownsville, to Little Rock, and that said line of four horse mail coaches be continued from Little Rock by Collegeville, Benton, Rockport, Arkadelphia and Antoine, to Washington, in Hempstead county, Arkansas.

Resolved, That the Secretary of State be requested to furnish each of our Senators and Representatives with a copy of the foregoing resolution.

Which was read a first time.

On motion of Mr. Beall, the rules were suspended, the resolutions read a second and third time, and adopted.

Mr. Hunter offered the following resolution:

Resolved, That our Senators be instructed and our Representatives be requested to use their exertions and influence in Congress, to procure the establishment of a horse mail route from Pocahontas, via Bolinger's Mill, on Fourche Dumas, Duckworth's Ferry, on Currant River, and through Cherokee Bay settlement, and via William Griffin's and Barney Talbott's, all in Randolph county, Arkansas, to Poplar Bluffs, in Butler county, Missouri, once a week, and back.

Which was read a first time.

On motion of Mr. Hunter, the rules were suspended, the resolution read a second time, and referred to the committee on memorials.

Mr. Stillwell introduced House bill No. 138 to be entitled "an act to change the time of electing a judge of the 5th judicial circuit."

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second time, and referred to a select committee of six, one from each county composing said 5th judicial circuit.

The chair appointed, as such committee, Messrs. Stillwell, Williams, Gordon, Poe, Jacoway Hill, and Hockersmith.

Mr. Byrne introduced House bill No. 139, to be entitled "an act to amend section 31, chapter 4, of the Revised Statutes of the State of Arkansas, under the head of administration."

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Miller introduced House bill No. 140, to be entitled "an act to amend the revenue laws of this State."

Which was read a first time.

On motion of Mr. Miller, the rules were suspended, the bill read a second time, and,

On motion of Mr. Wood, referred to the committee on ways and means.

Mr. Montgomery introduced House bill No. 141, to be entitled "an act to amend an act entitled an act to authorize and prescribe the manner by which persons in this State may adopt illegitimate children, and others, and make them their heirs at law," approved January 12th, 1853.

Which was read a first time.

On motion of Mr. Montgomery, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Hockersmith introduced a bill to be entitled "an act to amend chapter 85, of the Revised Statutes."

Which was read a first time.

On motion of Mr. Hockersmith, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Barton was called to the chair.

Mr. Rector offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our delegation in Congress be requested to procure at an early day, such a modification of the postage laws of the United States as will afford a sufficient amount of revenue to the post office department as will enable it to afford the necessary mail facilities to the country, and particularly to the southern and south-western States of the Union.

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the resolution read a second time and referred to the committee on memorials.

Mr. Bruton offered the following resolution:

Resolved, That this House have 100 copies of the Governor's veto message printed, with accompanying documents on public printing, for the use of the House.

Mr. Rice moved to amend by striking out "100" and inserting "200," which was accepted.

Mr. Wood moved to lay the resolution and the amendment on the table.

Mr. Bruton called for the yeas and nays, which call being sustained, the roll was called.

Those members voting to lay the resolution on the table, are

Messrs. Austell, Baxter, Beall, Burgess, Douglas, Edmondson. Ederington, Gregg, Haggin, Leslie, Montgomery, Neale, Nunn. Poe, Puryear, Williams and Wood—17.

Those voting in the negative, are

Messrs. Allen, Barton, Beck, Brown, Bruton, Bunch, Butts, Byrne, Calvert, Cannon, Desha, Flippin, Gordon, Gould, Guice, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Macon, Matthews, Miller, Morton, Moulden, Newton, Norsworthy, Patterson, Pettigrew, Powel, Primm, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Tuley, Wade, Watson, Whinery, Wilson, Witt and Mr. Speaker—53.

So the resolution was not laid on the table.

On motion of Mr. Redmond, the resolution as amended, was adopted.

Mr. Baxter presented a paper from John F. Morris, asking relief in regard to land he has been deprived of by the sheriff's sale, and for other purposes.

Which, on motion of Mr. Baxter, was referred to the committee on memorials.

The following was received from the Governor:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives, that on the 30th day of November, 1854, he approved and signed an act providing for the sale of fractional section 16, in township 6, north of range 9 east, in Crittenden county.

Also an act for the benefit of jurors in Clark county.

R. H. JOHNSON,
Private Sec'y.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill 109, to be entitled "an act to revive the ballot system of voting, and for other purposes," have considered the same, and instruct me to report a substitute therefor, and recommend its adoption in place of the original bill.

DESHA, *Chairman.*

Messrs. Jones of Desha, Hunter and Rector made the following report:

Mr. Speaker:

The minority of the committee on the judiciary, to whom was referred House bill No. 109, entitled "an act to revive the ballot system of voting, and for other purposes," beg leave to report that they recommend its rejection.

JONES of Desha, HUNTER and RECTOR.

Mr. Speaker resumed the chair.

On motion of Mr. Wilson, Senate amendment to House joint resolution, concerning the going into the election of auditor, was taken up, and on motion of Mr. Moulden, concurred in.

On motion of Mr. Bruton, House bill No. 4, entitled "an act to suppress the circulation of small notes in this State," was taken up and read a third time.

After considerable discussion upon said bill, Mr. Redmond moved the previous question, which carried.

The question then was, shall the bill pass.

Mr. Wood called for the yeas and nays.

Those members who voted for the passage of the bill, are

Messrs. Allen, Beall, Beck, Brown, Bruton, Burgess, Butts, Byrne, Cannon, Desha, Douglas, Flippin, Gordon, Haggin, Harris, Hill, Hockersmith, Hunter, Jacoway, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Moulden, Neale, Newton, Norsworthy, Nunn, Primm, Ramsey, Rector, Redmond, Rice, Smithson, Stringfellow, Thorn, Tuley, Wade, Watson, Whinery, Williams, Willson, Witt, Wood and Mr. Speaker—52.

Those members voting in the negative, are

Messrs. Austell, Barton, Baxter, Bunch, Calvert, Edmondson, Ederington, Gould, Gregg, Guice, Holmes, Patterson, Pettigrew, Poe, Powel, Puryear, Stillwell and Terry—19.

So said bill was passed.

On motion of Mr. Neale the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

FRIDAY, *Dec.* 1*st*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Mr. Hockersmith presented the report of the internal improvement commissioner of Saline county.

Which, on motion of Mr. Hockersmith, was referred to the committee on internal improvements.

Reports from standing committees were in order.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to change the time of holding the probate courts of Calhoun county."

"An act to change the time of holding the probate courts of the counties of Izard, Marion and Van Buren."

"An act to compensate jurors and witnesses, in the county of Drew, for attending courts of record."

"An act for the benefit of grand and petit jurors, in the county of Columbia, and for witnesses, summoned to appear before the circuit courts of Lafayette and Columbia counties, in State cases."

Also, "an act to authorive the county court of Izard county to procure the field notes and maps of the lands in said county," and have instructed me to report the same as correctly enrolled.

HOLMES, *Ch'n.*

Mr. Butts made the following report:

Mr. Speaker:

The select committee, to whom was referred House bill 132, beg leave to report the same back without amendment, and recommend its passage.

BUTTS, *Chairman.*

Mr. Baxter made the following report:

Mr. Speaker:

The committee to whom was referred House bill 152, have had the same under consideration, and the undersigned beg leave to report and recommend its rejection.

BAXTER, *Minority of the committee.*

Motions and resolutions were in order.

On motion of Mr. Smithson, the chair appointed Messrs. Smithson, Nunn and Hill, a committee to ascertain the number of square miles that each county in this State contains, and report the same to this House.

Mr. Puryear offered the following resolution:

Resolved, That our Senators in Congress be instructed and our Representatives be requested to use their influence in procuring the establishment of a mail route from Osceola, in Mississippi county, via A. T. Snody's, on the Maumel Prairie, thence to B. F. Freeman's, thence by John Pearce's, thence by Charles Garman's, and to Jacksonport, in Jackson county, to be carried on horse back once a week.

Which was read a first time.

On motion of Mr. Puryear, the rules were suspended, the resolution read a second and third time, and adopted.

Mr. Edmondson offered the following resolution:

Resolved by the Senate and House of Representatives, That our Senators in Congress be instructed, and our Representatives in the House of Representatives, be requested to use their influence in having a semi-weekly horse mail established from Fort Smith, Arkansas, by Choctaw Agency, Perryville, Boggy Depot, to Fort Washita, in the Choctaw Nation.

Resolved, That the secretaary be requested to furnish each of our Senators and Representatives with a copy of the foregoing resolution.

Which was read a first time.

On motion of Mr. Edmondson, the rules were suspended, the resolution read a second and third time and adopted.

Mr. Rector offered the following resolution:

Reoslved, That the select committee appointed to ascertain the number of square miles in each county in this State, be, and they are authorized to employ the services of a competent mathematician to assist them in their labors, provided such a person can be procured by paying a reasonable compensation.

Which was read and adopted.

Mr. Puryear was called to the chair.

Mr. Brown offered the following resolution:

Resolved, That the Governor be requested to furnish this House 400 copies of the bill filed by the State of Arkansas, against the trustees of the Real Estate Bank.

Which was read and adopted.

Mr. Baxter introduced House bill No. 144, to be entitled "an act for the relief of John H. Byers."

Which was read a first time.

On motion of Mr. Baxter, the rules were suspended, the bill read a second time and referred to the committee on claims.

On leave granted, Mr. Jones of Desha, took up House bill No. 59, to be entitled "an act to amend the existing laws regulating the landed interests of this State."

Mr. Williams moved to amend said bill as follows, to-wit: *Provided*, That the county of Prairie shall be exempt from the provisions of this act.

Which was adopted.

Mr. Rector moved to amend the second section of said bill by inserting "*Provided*, Said commissioners shall deem the removal of said mill or dam promotive of the interests of the country."

Which was also adopted.

Mr. Pettigrew moved to amend said bill by inserting the following: "*Provided*, The removal of the mills, as provided for in this act, shall reclaim an amount of swamp and overflowed lands sufficient to pay the expenses incurred in removing the obstructions."

Which amendment was adopted, and

On motion of Mr. Jones of Desha, the rules were suspended, the bill, as amended, read a third time and passed.

Mr. Redmond asked and obtained leave to withdraw House bill No. 106, entitled "an act to amend chapter 153, of the Digest, under the head of slaves."

Mr. Gordon introduced House bill No. 145, to be entitled "an act to extend the charter of a toll bridge, for James Campbell, of Conway county, in Arkansas."

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended, the bill read a second time, and

On motion of Mr. Poe, referred to a select committee, consisting of Messrs. Poe, Gordon, Gregg, Williams and Bruton.

Mr. Calvert asked and obtained leave to make the following report:

Mr. Speaker:

Your committee, to whom was referred House bill No. 121, entitled "an act to authorize Joseph A. Lovett and Jared A. Barnes, to build a toll bridge and keep a ferry across Languille river," at a point therein named, have disccharged the duties assigned them, and have directed me respectfully to submit to the House the following report:

Your committee, in conformity with the spirit of our free institutions, in carrying out the principles of equal rights and equal privileges, have given the bill a close scrutiny, and find that it makes no prohibitory provisions forbidding citizens from constructing a similar convenience for travel, at any other point on said river, even along-side of the bridge and ferry provided for, and further makes no provision to coerce the traveling community, to pass over said bridge or ferry, and provides no fines or forfeitures for crossing said river, when they can do so, at any and all points convenient to them, and as such recommend the passage of the bill. CALVERT, *Chairman.*

Mr. Montgomery introduced a bill to be entitled "an act to incorporate the town of Grand Glaize."

Which was read a first time.

On motion of Mr. Montgomery, the rules were suspended, the bill read a second time, and referred to a select committee, consisting of Messrs. Montgomery, Patterson and Austell.

Mr. Rice introduced a bill to be entitled "an act to enclose gin houses in Phillips county, and for other purposes."

Which was read a first time.

On motion of Mr. Rice, the rules were suspended, the bill read a second and third time, and passed.

Mr. Stringfellow introduced a bill to be entitled "an act for the incorporation of the town of Mt. Ida."

Which was read a first time.

On motion of Mr. Stringfellow, the rules were suspended, the bill read a second and third time, and passed.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to inform your honorable body that the Senate have assented to House bill No. 125, entitled "an act to change the name of Byron Green to Byron Green Annear, and to constitute him the legal heir of William Annear," which is herewith returned.

W. L. D. WILLIAMS, *Sec'y Senate.*

On motion of Mr. Wood the orders of the day were taken up.

Senate bill No. 9, entitled "an act to repeal all laws inflicting stripes upon a white person, as a punishment," was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Senate bill No. 6, entitled "an act for the relief of J. H. Shackleford and others," was taken up and read a second time, and

On motion of Mr. Byrne, referred to a select committee, consisting of Messrs. Byrne, Beall and Wood.

House bill No. 37, to be entitled "an act for the benefit of George Hughes and others," was taken up, read a third time passed.

House bill No. 84, entitled "an act for the relief of Henry Jacobi," was taken up and read a second time, and

On motion of Mr. Moulden, referred to the committee on claims.

House bill No. 66, entitled "an act to increase the pay of grand and petit jurors, and the pay to jurors summoned before justices of the peace, in Sevier county," was taken up, when

On motion of Mr. Wood, the amendments reported by a committee to said bill were adopted, and

On motion of Mr. Pettigrew, the rules were suspended, the bill as amended read a third time, and pass.

House bill No. 98, entitled " an act to authorize certain counties, in the State of Arkansas, to obtain field notes and maps of the lands in said counties," was taken up and read a third time, and,

On motion of Mr. Smithson, referred to a select committee consisting of Messrs. Smithson, Flippin and Baxter.

Mr. Redmon introduced a bill to be entitled "an act to prevent slaves from carrying arms in Monroe county."

Which was read a first time.

On motion of Mr. Redmond, the rules were suspended, and the bill read a second time.

Mr.	Beck	moved to	amend by	adding	Izard	county.
"	Brown	"	"	"	Crawford	"
"	Butts	"	"	"	Johnson	"
"	Jackoway	"	"	"	Yell	"
"	Terry	"	"	"	White	"
"	Witt	"	"	"	Van Buren	"
"	Cannon	"	"	"	Hempstead	"
"	Rice	"	"	"	Philips	"
"	Powel	"	"	"	Union	"
"	Jernigin	"	"	"	Polk	"
"	Thorn	"	"	"	Ouachita	"
"	Byrne	"	"	"	Lafayette & Columbia.	
"	Edmondson	"	"	"	Sepastian county.	
"	Allen	"	"	"	Ashley	"
"	Barton	"	"	"	Crittenden	"

All of which amendments were adopted, and

On motion of Mr. Wood, the bill was ordered to be engrossed and read a third time on Tuesday next.

House bill No. 93, entitled " an act for the relief of B. H. Smithson, late sheriff and collector of Washington county," was taken up, read a third time, and passed.

House bill No. 90, entitled " an act to change the names of Mary Elizabeth Robertson and others," was taken up and read a third time and passed.

Mr. Williams introduced a bill to be entitled "an act to legalize the election of certain trustees of common schools in Prairie county."

Which was read a first time.

On motion of Mr. Williams, the rules were suspended, the bill read a second and third time and passed.

House bill No. 123, to be entitled "an act to change the time of holding the county and probate courts of Lafayette county," was taken up, read a third time and passed.

House bill No. 84, entitled " an act for the relief of George Wand Augustus Goolsby," was taken up, read a third time and passed.

House bill No. 57, entitled " an act to incorporate the town of Hamburg, in Ashley county," was taken up, and

On motion of Mr. Allen, Senate's amendment thereto concurred in.

Mr. Thorn offered the following resolution:

Resolved, That the door-keeper of this house is hereby instructed to put the hall in order, for the purpose of holding a mass railroad meeting, on Saturday evening, the 2d inst.

Which was lost.

On motion of Mr. Poe, the use of the hall was tendered to citizens who might desire to hold a mass meeting for the above purpose.

House bill No. 89, entitled "an act to provide more fully for the incorporation of Fort Smith," was taken up, and

On motion of Mr. Edmondson, Senate's amendment thereto concurred in.

On motion of Mr. Morton, Senate bill No. 13, entitled "an act to authorize and require the legal representations of Lambert J. Reardon, late State Land Agent, to deliver to the Auditor of Public Accounts the books, maps, etc., pertaining to his office, and for other purposes," was taken up, read a third time and passed.

On motion of Mr. Calvert, the House adjourned till nine o'clock to-morrow morning.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

SATURDAY, *Dec.* 2, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

On motion of Mr. Bruton, leave of absence was granted Mr. Gordon.

On motion of Mr. Guice, leave of absence was granted Mr. Williams.

Mr. Jernigin asked and obtained leave of absence for Mr. Edmonson.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Gould presented the report of the internal improvement commissioner for the county of Pike, which

On motion of Mr. Gould, was referred to the committee on internal improvements.

Mr. Holmes presented the report of the internal improvement commissioner for Dallas county, which

On motion of Mr. Holmes, was referred to the committee on internal improvements.

Mr. Byrne presented the petition of John E. Smith, sheriff of Columbia county, asking for reward for apprehending persons escaping from justice, which

On motion of Mr. Byrne, was referred to the committee on claims.

Reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The committee on claims, to whom was referred House bill No. 84, have had the same under consideration, and instruct me to report the same back to the House, and recommend its passage.

JOHNSON, *Chairman.*

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 142, entitled "an act to amend the revenue laws," have considered the same, and recommend its rejection.

REDMOND, *Chairman.*

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined an act for the "benefit of George W. Lovel and Samuel W. Peel, of Independence county;" "an act to prevent the building of dams across bayous or other streams, in Crittenden county;" "an act to incorporate Perkins Institute, in the town of Smithville, Lawrence county;" an act entitled "an act to separate the county and probate courts of Conway county;" also, "an act declaring township three north, in range one east, to be in Monroe county;" and instruct me to report the same correctly enrolled.

HOLMES, *Chairman.*

Mr. Wood made the following report:

Mr. Speaker:

Your committee on memorials, to whom was referred a resolution requesting our delegation in Congress "to use their influence to procure the establishment of a line of tri-weekly post-coaches from Little Rock to Helena, via Aberbeen and Lawrenceville," have considered the same, and recommend its adoption.

Also, a joint resolution requesting our delegation in Congress "to use their influence to procure the establishment of a line of four horse post-coaches from Jacksonport to Fort Smith, and a line of two horse post-coaches from Jacksonport to Pocohontas, and requesting our delegation to surrender none of the mail facilities now possessed by our citizens, except the one horse mail routes on the roads mentioned," and recommend the adoption of the same.

Also, a resolution, requesting our delegation in Congress "to use their influence to procure the establishment of a horse mail route from Pocahontas via Bolinger's Mill, on Current river, and through Cherokee Bay Settlement, and by way of William Griffin's and Barney Talbott's, in Randolph county, to Poplar Bluffs, in Benton county, Missouri," and recommend its adoption.

They have had the petition of John F. Morris under consideration and recommend its rejection.

They have also considered a joint resolution, requesting our delegation in Congress "to procure such a modification of the postage laws of the United States, as will afford a sufficient amount of revenue to the post office department as will enable it to afford the necessary mail facilities to the country," and ask leave to report that they deem it inexpedient to recommend changes in the postage laws, and therefore recommend the rejection of said resolution.

WOOD, *Chairman.*

Mr. Rector moved to reject that portion of the above report recommending the rejection of said last mentioned resolution.

Which motion was lost.

On motion of Mr. Gregg the report was then adopted.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your honorable body that the Senate have passed Senate bill No. 33, entitled "an act to prohibit the playing of certain games, and for other purposes."

Also, Senate bill No. 38, to be entitled "an act to authorize counties to subscribe their internal improvement fund and take stock in railroads," both of which are herewith transmitted for the assent of your honorable body.

The Senate have assented to House bill No. 88, entitled "an act for the relief of Roof Howel."

Also, to House bill No. 53, to be entitled "an act imposing additional duties upon the county treasurer of Union county," with a change in the title and sundry amendments to the body of said bill, to which the assent of your honorable body is earnestly solicited.

W. L. D. WILLIAMS, *Sec'y Senate.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 91, entitled "an act," etc., have considered the same, and beg leave to report a substitute in lieu of the original bill, and recommend its passage.

DESHA, *Chairman.*

Which substitute bill to be entitled "an act to amend and revise the law in relation to the sixteenth section in township thirteen north, of range six west," was read a first time.

Mr. Desha also made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred the petition of John A. Sheffield, and others, citizens of Izard county, praying the Legislature to grant to Mary Chiswell, wife of

James L. Chiswell, a divorce, etc., have had the same under consideration; and the committee, inasmuch as the petition prays the Legislature to exercise a power which is already properly vested in the judicial tribunals of the country, have instructed me to report the same back to the House, and recommend its rejection, and that they deem it inexpedient for the Legislature to pass an act upon the subject.

Also, House bill No. 103, entitled "an act to sever the office of sheriff from the office of assessor," and have instructed me to report the same back with the following amendment to the fourth section of said bill, viz: Add, after the word "same," in said fourth section, the words "and shall be entitled to the same compensation as is now allowed the sheriff for assessing," and recommend the passage of the bill, as amended.

The committee on the judiciary recommend the rejection of House bill No. 130, entitled "an act to amend the administration laws of the State." They also recommend the rejection of House bill No. 82, entitled "an act to amend section 24, chapter 170, of the Digest of Arkansas."

DESHA, *Chairman.*

Messrs. Patterson, Nunn and Desha made the following minority report:

Mr. Speaker:

The minority of the committee on the judiciary, to whom was referred House bill No. 82, "to amend section 24, chapter 170," beg leave to dissent from the report of the majority, and we do earnestly recommend the passage of the bill, and the rejection of the report of the majority of the committee.

PATTERSON,
NUNN,
DESHA.

Mr. Desha reported as follows:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 142, to be entitled "an act to amend chapter 85 of the Revised Statutes," have had the same under consideration, and they have instructed me to report the same back to the House and recommend its rejection.

DESHA, *Chairman.*

Mr. Logan offered the following resolution:

Resolved, That the Rev. J. McAlister, of the Methodist Episcopal Church South, be invited to preach in the Representative Hall on to-morrow, (Sunday), 3d inst.

Which was adopted.

On motion of Mr. Norsworthy, the vote taken yesterday on a resolution requiring the door keeper to prepare the hall for a mass railroad meeting, was re-considered, and the question being on the adoption of the resolution, was decided in the affirmative.

Mr. Miller offered the following preamble and resolution:

WHEREAS, The perpetuity of our free and republican institutions mainly depend upon a due appreciation and promotion of the great cause of education:

Resolved therefore by the General Assembly of the State of Arkansas, That our Senators in Congress be required, and our Representatives be requested to use their best and most constant endeavors to have a law passed by Congress, donating to the State of Arkansas, the arsenal grounds, buildings and appurtenances, in the city of Little Rock, for the purpose of establishing a State University, and that the Secretary of State be requested to transmit a copy of this resolution to our Senators and Representatives in Congress.

Mr. Rector moved to lay said resolution on the table till the 4th of July.

Mr. Miller called for the ays and nays, which call was sustained and the roll called.

Those voting to lay the resolution on the table, are

Messrs. Baxter, Beall, Bruton, Bunch, Butts, Byrne, Cannon, Desha, Douglas, Ederington, Flippin, Gould, Guice, Haggin, Harris, Hill, Hockersmith, Holmes, Johnson, Jones of Conway, Jones of Lawrence, Leslie, Matthews, Morton, Newton, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Rector, Smithson, Stillwell, Thorn, Wade, Watson, Whinery, Wilson and Witt—40.

Those members voting in the negative, are

Messrs. Allen, Austell, Barton, Beck, Brown, Burgess, Calvert, Gregg, Hunter, Jacoway, Jernigin, Logan, Macon, Miller, Moulden, Norsworthy, Puryear, Redmond, Rice, Stringfellow, Terry, Wood and Mr. Speaker—24.

So the resolution was laid on the table till 4th of July.

Mr. Byrne offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representatives in Congress be requested to enquire into the expediency and practicability of establishing a tri-weekly line of four horse post coaches from Washington, in Hempstead county, Arkansas, by Spring Hill, Lewisville, Walnut Hill, Collingsburg, to Shreveport, in the State of Louisiana.

Resolved, That the Secretary of State be requested to furnish each of our Senators and Representatives a copy of the foregoing resolution.

Which was read a first time.

Mr. Rector moved to lay said resolution on the table till the 4th of July.

Which motion was lost.

On motion of Mr. Byrne, the rules were suspended, the resolution read a second time, and referred to the committee on memorials.

Mr. Jones of Lawrence, offered the following resolution:

Resolved, That the two Houses of the General Assembly will go into the election of Land Attorney and State Collector on the day and at the time now adopted by the two Houses to go into the election for State Auditor, which will be on Friday next.

Mr. Neale moved to amend said resolution by inserting, "that the two Houses will also go into the election for State Treasurer at the same time."

Which resolution and amendment were, on motion of Mr. Patterson, laid on the table.

Mr. Patterson proposed to amend the constitution as follows, to wit:

In lieu of article 4, section 29, of the constitution of the State of Arkansas, add: That no county now established by law, shall ever be reduced by the establishment of any new county or counties, to less than six hundred nor to a less population than its ratio of representation in the House of Representatives, nor shall any county be hereafter established which shall contain less than six hundred square miles, or a less population than would entitle each county to a member in the House of Representatives, and all counties now organized are hereby declared constitutional counties, provided they contain an area of six hundred square miles.

Mr. Beck introduced House bill No. 151, to be entitled "an act to prevent shooting across public roads and highways."

Which was read a first time.

On motion of Mr. Beck, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Thorn introduced a bill, to be entitled "an act to fix the line of the Cairo and Fulton railroad and branches, and for other purposes."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, and the bill read a second time.

Mr. Wood moved to refer said bill to a committee of the whole House, and make it the order of the day for Saturday next.

Which motion was lost, and said bill,

On motion of Mr. Redmond, referred to the standing committee on internal improvements.

On motion of Mr. Smithson, 200 copies of the bill last aforesaid were ordered to be printed for the use of the House of Representatives.

On motion of Mr. Norsworthy, the House adjourned.

SAML. MITCHELL,
Speaker Ho. of Reps.

MONDAY, *Dec. 4th,* 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

On motion of Mr. Nunn leave of absence was granted the chaplain for a few days, the Rev. Mr. Lee acting in his stead in the meantime.

Petitions from counties were in order.

Mr. Redmond presented the petition of E. Cheek, agent for the Memphis and St. Francis plank road company, remonstrating against the reports in circulation in regard to said company.

Said petition was, on motion of Mr. Redmond, referred to a select committee, consisting of Messrs. Redmond, Brown, Smithson, Logan and Tuley.

On motion of Mr. Puryear, Messrs. Puryear, Austell, Calvert, Barton and Macon were appointed to act with said select committee.

On motion of Mr. Austell, said committee had power to send for persons and papers.

Mr. Holmes presented the petition of sundry citizens of Princeton, asking the passage of an act of incorporation of said town.

Which was, on motion of Mr. Holmes referred to a select committee, composed of Messrs. Holmes, Rector, Desha, Patterson and Nunn.

Reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The committee on claims, to whom was referred the petition of Wm. C. Scott, asking the General Assembly to appropriate four hundred and forty-four dollars and thirty-three cents in payment of a judgment that Richard T. Jennings obtained in the Pulaski circuit court, January term thereof, 1854, for the use and benefit of William C. Scott, have considered the same and instruct me to report that we deem it inexpedient to make the appropriation at this time, for the reason that the case is now taken up to the supreme court of this State, as we are informed by the attorney for the State, and we ask to be discharged in this case.

JOHNSON, *Ch'n.*

Reports from select committees were in order.

Mr. Beck made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 33, entitled "an act providing for the payment of one-half the value of slaves executed for capital offences," have considered the same and recommend its rejection.

BECK, *Ch'n.*

Mr. Powel dissented from said report.

On motion of Mr. Guice, said last report was adopted.

Mr. Montgomery made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 146, have had the same under consideration, and instruct me to recommend the passage of the same.

MONTGOMERY, *Chairman.*

On motion of Mr. Montgomery, the rules were suspended, said bill 146, entitled, "an act to incorporate the town of Grand Glaize," read a third time and passed.

Mr. Norsworthy had leave to withdraw House bill 130, entitled "an act to amend the administration laws of this State."

On motion of Mr. Miller, the committee on public buildings were instructed to enquire into the expediency of removing the seat of government from the city of Little Rock to some more eligible point, and to report to this House.

Mr. Speaker gave notice that he would on to-morrow, or some day thereafter, introduce a bill "amendatory of the swamp land laws of this State."

Mr. Logan gave notice that he would, on Wednesday next, or some day thereafter, introduce a bill to detach a portion of Sebastian county and attach the same to the county of Scott.

Mr. Bunch offered the following resolution:

Resolved, That a committee of three be appointed to wait on the Rev. Mr. Bruton, and Rev. Mr. Guice, and request them to preach in this hall as often as may suit their convenience.

Which was adopted, and Messrs. Bunch, Beck and Witt, appointed as such committee.

Mr. Haggin gave notice that he would, on Tuesday next, or some day thereafter, introduce a bill, to authorize Joseph B. Barnes, of Carroll county, as administrator, to sell all the real estate of William Beller, deceased.

Mr. Logan introduced House bill No. 153, to be entitled "an act to create a State Geologist, and make a geological survey of this State."

Which was read a first time.

On motion of Mr. Holmes the rules were suspended, the bill read a second time and referred to the committee on ways and means.

On motion of Mr. Wood, Mr. Logan was added to the committee on ways and means.

Mr. Baxter introduced House bill No. 154, to be entitled "an act to authorize the several counties in this State to suppress the retail traffic of vinous and spirituous liquors."

Which was read a first time.

On motion of Mr. Baxter, the rules were suspended, the bill read a second time, and on motion of Mr. Wilson, referred to the committee on the judiciary.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 31, to be entitled "an act to legalize the sale of certain school lands in the State of Arkansas."

Also, to House bill No. 90, to be entitled "an act to change the names of Mary Elizabeth Robertson and others."

Both of which are herewith returned.

The Senate have passed Senate bill No. 41, to be entitled "an to authorize —— Drum to sell certain lands."

Also, Senate bill No. 44, to be entitled "an act to incorporate Crawford Institute."

Which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS,
Secretary Senate.

The following message was also received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have passed Senate bill No 39, to be entitled "an act to further regulate the manner of bringing suits against the State."

Which is herewith transmitted for the consideration of your honorable body.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Desha introduced House bill No. 155, to be entitled "an act to repeal an act entitled an act to exempt a homestead from execution."

Which was read a first time.

On motion of Mr. Desha, the rules were suspended, the bill read a second time and referred to the committee on ways and means, by motion of Mr. Wood.

Mr. Leslie asked and obtained leave to withdraw the petition of Wm. C. Scott, heretofore presented to the House, asking the legislature to make an appropriation to pay a certain judgment which the said Scott holds against the State of Arkansas.

Mr. Neale introduced House bill No. 156, to be entitled "an act to amend chapter 68 of the Digest of Arkansas."

Which was read a first time.

On motion of Mr. Neale, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Poe introduced House bill No. 157, to be entitled "an act to regulate the land tax in this State."

Which was read a first time.

On motion of Mr. Poe, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Mr. Holmes introduced House bill No. 158, to be entitled "an act to give the legal voters of each township in this State the power to control the retail of vinous and spirituous liquors within their respective townships.

Which was read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Barton introduced House bill No. 159, to be entitled "an act to repeal in part the 22d section, chapter 69 of the Digest of this State."

Which was read a first time.

On motion of Mr. Barton, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Barton, Macon, Hill, Norsworthy and Douglas.

Mr. Holmes introduced House bill No. 160, to be entitled, "an act to incorporate the town of Princeton, in Dallas county."

Which was read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second time, and

On motion of Mr. Logan, referred to the same select committee appointed above on the same subject.

Mr. Edmondson introduced House bill No. 161, to be entitled "an act to regulate the practice concerning depositions."

Which was read a first time.

On motion of Mr. Edmondson, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Baxter asked and obtained leave to call up House bill No. 91, to be entitled "an act to amend and revise the law in relation to the 16th section, in township 13, north of range 6 west."

Which was read a second time.

Mr. Montgomery moved to amend said bill by striking out all after the enacting clause and insert the following:

That so much of an act approved 28th of December, 1840, and also so much of an act approved 2d December, 1848, as requires the election of five commissioners, for the sale and disposition of section 16, in township 13, north of range 6 west be, and they are hereby repealed.

SEC. 2d. *Be it further enacted*, That there shall be an election held at the court-house, in the town of Batesville, county of Independence, State of Arkansas, on the 3d Monday of February, 1855, and annually thereafter, for the election of one commissioner, who shall hold his office for the term of —— years, and until his successor is elected and qualified.

SEC. 3d. *Be it further enacted*, That Joseph H. Egnew, Elam S. McGuire and Benjamin Dickinson shall be the judges of the election provided for in the preceding section, and said judges hereby appointed, shall give notice of the time and place of holding said election, by putting up advertisements at six public places in said township, two of which shall be on the south side of White river, at least ten days before the time of holding the same, and all elections held in said township shall be governed by the existing laws of this State for holding general elections.

SEC. 4. *Be it further enacted*, That in case of a failure to hold the first election, provided for in this act, it shall be lawful for any three citizen house-holders, in said township, to advertise in the same manner as required in the 3d section, and the electors, which may be present at the time and place appointed, shall appoint the judges and clerks thereof, who shall certify the poll books to the clerk of the circuit court of Independence county, upon which the clerk shall issue a certificate of election to the person elected.

SEC. 5th. *Be it further enacted*, That it shall be the duty of the county court, at the term to be holden next before the annual election for commissioner, to appoint the judges thereof, and shall order the sheriff of the county to advertise and hold such election in the manner hereinbefore prescribed; *Provided*, That if the county court should fail to make such appointment, and orders as are required in this act, any three citizen house-holders of said township, may hold said annual election, in the same manner, as prescribed in the preceding section.

SEC. 6th. *Be it further enacted*, That the commissioner, to be elected and qualified under the provisions of this act, shall have the same powers, and be able and capable in law to do, in as full and ample manner, all acts and duties which are prescribed and required by existing laws, as the commissioners could do, elected under the provisions of the laws which are repealed by this act.

SEC. 7th. *Be it further enacted*, That the commissioner elected under the provisions of this act shall, before entering on the duties of his office, give bond to the State of Arkansas, with security, to be approved by the judge of the county court of Independence county, in a penalty, not less than ten thousand dollars, for the use of the school fund of said township, conditioned for the faithful performance of his duty as such commissioner, and also take and subscribe the oath prescribed by law.

SEC. 8th. *Be it further enacted*, That the commissioner shall make semi-annual reports to the county court, of the condition of the school fund of said township, and shall also make a semi-annual dividend on the 1st day of February and July, in each year, of the interest collected from the school fund of said township, *prorata*, among all the free white inhabitants of the township, who have attended school, between the ages of five and twenty-one years; *Provided*, That it shall be the duty of the teacher, or teachers, to furnish the commissioner an abstract of the time each scholor, living within the limits of said township, has attended the school, which such teacher or teachers have taught; *And provided further*, That such teachers shall be required to furnish the commissioner, signed by at least three of their patrons, certifying that said teachers are competent and qualified to teach the English branches of education, and also that they are of good moral character.

SEC. 9th. *Be it further enacted*, That the commissioner elected and qualified under the provisions of this act shall be allowed one hundred dollars annually, as a salary, and two per centum on all money collected belonging to said fund; *Provided*, Such per centum shall not exceed the sum of two hnndred dollars.

SEC. 10th. *Be it further enacted*, That the commissioner shall take duplicate receipts for any money paid for the tuition of any scholar, from the teacher or teachers, for the amount due each scholar, one of which he shall deliver to the parent, or guardian of such scholar, the other shall be a voucher to him for so much money, in his report and settlement to the county court.

SEC. 11th. *Be it further enacted*, That the *prorata* shall be made according to the time each scholar may have attended school.

SEC. 12th. *Be it further enacted*; That should any vacancy occur in the office of commissioner, by death, resignation or otherwise, it shall be lawful for any three citizen house-holders of said township, to advertise and hold an election to fill such vacancy, in the same manner as prescribed in the third section.

SEC. 13th. *Be it further enacted*, That all laws and parts of laws conflicting with this act, are hereby repealed, and that this act take effect from and after its passage.

On motion of Mr. Redmond, the bill and the amendment were recommitted to a select committee consisting of Messrs. Redmond, Baxter and Montgomery.

Mr. Rector offered the following preamble and resolution:

WHEREAS, Repeated and seemingly just complaints are and have been, for some years past, made by the traveling and resident public, against the exorbitant rates of ferriage, toll, turnpike, plank road, and other road charges on the military road leading west, from the Mississippi river to Little Rock.

And whereas, Said charges are not only oppressive to the public, but tend in a great degree, to prevent the ingress and settlement in our State of a valuable population, and to give us as a people, an unenviable reputation abroad. Therefore

Be it resolved, That a select committee of five be appointed to take into consideration the propriety of so modifying and reducing, by law, the ferry, and other rates, on said road, as may prove fairly remunerative on the one hand, and at the same time relieve the traveling public of the onerous burthens now imposed upon them, and that said committee be instructed to report by bill, or otherwise, suggesting some mode by which the evils complained of may be abolished."

Which was read and adopted and Messrs. Rector, Wade, Patterson, Wood and Redmond appointed as such committee.

The following message was received from the Governor, by the hands of R. H. Johnson, Esq., his private secretary:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 2d day of December, 1854, he approved and signed "an act to increase the pay of jurors and witnesses in Chicot, Monroe and Jefferson counties."

"An act to change the time of holding the county courts of Bradley county."

"An act for the adoption and changing the name of Charity Lovely Happy Vaughn, an orphan child, two years old, to the name of Rosina Brogan, and to constitute her the legal heir of Hugh Brogan," "An act for the relief of Malachi Willis, of Ashley county."

"An act to place so much of the military roads as lie in the county of Independence, under the jurisdiction of the county court of that county."

And also, an act to amend in part an act entitled an act to call in the scrip of Hot Spring and Van Buren counties, approved 27th November, 1852."

R. H. JOHNSON,
Private Sec'y.

On motion of Mr. Douglas, House bill No. 23, to be entitled "an act to amend an act to exempt a homestead from execution, approved December 8th, 1852," was taken up and read a second time.

Mr. Baxter moved to amend said bill by inserting the words "or the widows and children, or enclosure of such householder, or head of a family;" between the words "family" and "shall," also the words "and improvements" between the words "appurtenances" and "thereunto."

Mr. Redmond moved to lay said bill and the amendments thereto, on the table till the 4th July next.

Mr. Wood called for the yeas and nays, which call being sustained, the roll was called.

Those members voting in the affirmative, are

Messrs. Allen, Austell, Barton, Beall, Brown, Cannon, Desha, Edmondson, Gould, Guice, Harris, Hockersmith, Holmes, Hunter, Jones of Lawrence, Jernigin, Logan, Macon, Matthews, Miller, Morton, Neale, Newton, Norsworthy, Patterson, Pettigrew, Poe, Powel, Primm, Rector, Redmond, Rice, Stillwell, Stringfellow, Terry, Thorn, Tuley, Watson, Witt, Wood and Mr. Speaker—41.

Those members voting in the negative, are

Messrs. Baxter, Beck, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Douglas, Ederington, Flippin, Gregg, Haggin, Hill, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Leslie, Montgomery, Moulden, Nunn, Puryear, Ramsey, Smithson, Wade, Wilson and Whinery—28.

So said bill and amendment were laid on the table till 4th July next.

On motion, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

TUESDAY, *Dec. 5th*, 1854.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday read and approved.

Mr. Speaker laid before the House the following communication.

AUDITOR'S OFFICE,
Little Rock, 4th Dec. 1854.

Hon. SAMUEL MITCHELL,
Speaker of the House of Reps:

SIR—On the 2d inst., a copy of the following resolution was served on the Auditor:

Resolved, That the Auditor of public accounts be, and he is hereby requested, to inform the House what quantity of swamp and overflowed lands have been reclaimed, the number of acres in each county, and the number of acres now assessed for taxation."

In response to which, the undersigned has the honor to state that he has no official information of the reclamation of any portion of said lands, the swamp land commissioners having reported none to this office, nor are there any of these lands, now assessed for taxation: Very respectfully,

Your ob't servant,
WM. R. MILLER,
Auditor of Arkansas.

Petitions from counties were in order.

Mr. Wade presented the petition of James Thompson, asking certain privileges in regard to the assumption of the payment of a judgment rendered against Benjamin Sparks, for land to the amount of $224 60 and costs.

Which on motion of Mr. Wade, was referred to the committee on the judiciary.

Mr. Watson presented the report of the internal improvement commissioner of Johnson county,

Which, on motion of Mr. Watson, was referred to the committee on internal improvements.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Wood made the following report:

Mr. Speaker:

The committee on memorials to whom was referred a resolution requesting our delegation in Congress to enquire into the expediency of establishing a tri-weekly line of four horse post coaches, from Washington, Hempstead county, by Spring Hill, Lewisville, Walnut Hill, Collinsburg, to Shreveport, in Louisiana, have considered the same and recommend its adoption.

WOOD, *Chairman.*

Mr. Newton made the following report:

Mr. Speaker:

The committee on county and county lines, to whom was referred a petition from sundry citizens of Lawrence county, have considered the same, and from the best information we have on the subject, there appears to be several adjoining counties which do not contain their constitutional ratio; and if the county of Lawrence has a surplus, it would perhaps not much more than make the surrounding counties constitutional. And further, they do not think it advisable to alter the constitution so as to allow counties to be constituted of a less area than 900 square miles.

NEWTON, *Chairman.*

Mr. Barton made the following report:

Mr. Speaker:

The committee on State lands, to whom was referred House bill 85, would respectfully recommend that all of the first section, after the enacting clause, be stricken out, and recommend the passage of the bill as amended.

BARTON, *Chairman.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary to whom was referred House bill No. 105, entitled an act to repeal sections 3 and 4 of chapter 153, article 1, of the Digest, have considered the same and recommend its rejection.

Also, House bill 129, entitled an act to repeal the 14th section of an act to provide for the reclamation of the swamp and overflowed lands, donated to this State by the United States, approved January 6th, 1851, have considered the same and recommend that the 2d section of said bill be amended, by inserting between the word "Arkansas," and the word "and," in said section, the following words, "or that hereafter may be confirmed to said State," and recommend the passage of the bill as amended.

The committe have also considered House bill No. 139, entitled an act to amend section 31, chapter 4 of the Digest, under the head of administration, and instruct me to report that they deem the statute, proposed to be amended, already furnishes sufficient protection upon the subject, and they deem it inexpedient to impose upon the judge of the probate court, the duty and responsibility, as contemplated in said bill, they therefore recommend its rejection.

Also, Senate bill No. 9, entitled an act to repeal all laws inflicting stripes upon white persons as a punishment, and recommend its passage.

Also, House bill No. 151, entitled an act to prevent shooting across roads and highways, and instruct me to report the amended bill as a substitute therefor, and recommend the passage of the substitute and the rejection of the original.

DESHA, *Chairman.*

Mr. Douglas had leave to dissent from said last report of the majority of the committee on bill No. 151, recommending the passage of said substitute for said original bill.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to change the name of Byron Green Annear, and to constitute him the lawful heir of William Annear."

"An act for the relief of Roof Howell, late sheriff and collector of State and county revenue of Pope county."

"An act to incorporate the town of Hamburg, in Ashley county Arkansas."

"An act to provide more fully for the incorporation of the city of Fort Smith," and instruct me to report the same as correctly enrolled. HOLMES, *Chairman.*

Mr. Stillwell made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 133, entitled "an act to change the time of holding the election for circuit judge, in the 5th judicial circuit," have considered the same and recommend its passage.

STILLWELL, *Chairman.*

Mr. Smithson made the following report:

Mr. Speaker:

The select committee to whom was referred substitute House bill No. 98, entitled "an act to authorize certain counties to obtain field notes and maps of the lands in said counties have considered the same and report a substitute therefor, and recommend its passage. SMITHSON, *Chairman.*

Mr. Butts made the following report:

Mr. Speaker:

The select committee, to whom was referred the petition of sundry citizens of Clarksville, praying the repeal of the charter of said city, together with a remonstrance to the same," have duly investigated said petition, and a majority of said committee instruct me to report the accompanying bill and recommend its passage. BUTTS, *Chairman.*

Said last mentioned bill entitled "an act to repeal an act to incorporate the city of Clarksville," was read a first time.

On motion of Mr. Rector, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Rector, Wade and Puryear.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 135, to be entitled "an act to incorporate the town of Paraclifta."

Also, to House bill No. 78, to be entitled "an act to increase the compensation of jurors, in the county of Prairie, and others, with amendments thereto, to which the assent of your honorable body is respectfully asked.

Also, to House bill No. 148, to be entitled "an act to incorporate the town of Mt. Ida, in the county of Montgomery," with an amendment thereto, to which the assent of your honorable body is respectfully asked.

All of which are herewith returned.

I am directed to present for your honor's signature "an act to authorize and require the legal representatives of Lambert J. Reardon, late State Land Agent, to deliver to the Auditor of Public Accounts, the books, maps, etc., appertaing to his office, and for other purposes." W. L. D. WILLIAMS, *Sec'y Senate.*

Mr. Montgomery introduced House bill No. 169, to be entitled "an act to amend an act to incorporate the Batesville Male and Female Academy;"

Which was read a first time.

On motion of Mr. Montgomery, the rules were suspended, the bill read a second and third time and passed.

Mr. Calvert moved to take up House bill No. 121.

Which motion was lost.

Mr. Redmond introduced House bill No. 170, to be entitled "an act to increase the pay of the judge and associate justices of the county court of Monroe county."

Which was read a first time.

On motion of Mr. Redmond, the rules were suspended and said bill read a second time.

Mr. Patterson moved to amend the bill by inserting the county of Jackson.

Mr. Neale, by adding the county of Chicot.
" Ederington, " " " Bradley.
" Holmes, " " " Dallas.

All of which amendments were agreed to; and,

On motion of Mr. Williams, said bill was ordered to be engrossed for a third reading on Friday next.

Mr. Williams introduced House bill No. 171, to be entitled "an act for the relief of the heirs of William P. Harris, dec'd.

Which was read a first time.

On motion of Mr. Williams, the rules were suspended, the bill read a second and third time and passed.

Mr. Powel was called to the chair.

Mr. Rice introduced House bill No. 172, to be entitled "an act to incorporate the Water Witch Fire Company, in the city of Helena."

Which was read a first time.

On motion of Mr. Rice, the rules were suspended, the bill read a second and third time aud passed.

Mr. Nunn introduced a bill to be entitled "an act to legalize the sale of section sixteen, in township eighteen north, of range two west, in the county of Lawrence."

Which was read a first time.

On motion of Mr. Nunn, the rules were suspended, the bill read a second and third time and passed.

Mr. Jones, of Conway, introduced bill No. 174, entitled "an act to call in the scrip of Conway county."

Which was read a first time.

On motion of Mr. Jones, the rules were suspended, the bill read a second time, and, On motion of Mr. Gould, referred to the committee on the judiciary.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 167, entitled "an act to amend an act to incorporate the Batesville Male and Female Academy." W. L. D. WILLIAMS, *Sec'y Senate.*

Mr. Stillwell introduced bill No. 175, entitled "an act for the relief of William Gillam."

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Byrne introduced House bill No. 176, to be entitled "an act to incorporate the town of Magnolia, in the county of Columbia."

Which was read a first time.

On motion of Mr. Gould, the rules were suspended, the bill read a second time, and,

On motion of Mr. Byrne, referred to a select committee, consisting of Messrs. Byrne, Stillwell and Gregg.

Mr. Leslie introduced bill No. 177, to be entitled "an act to repeal an act to define the line between Searcy and Van Buren counties," approved January 12th 1853.

Which was read a first time.

On motion of Mr. Leslie, the rules were suspended, the bill read a second time and referred to the committee on counties and county lines.

Mr. Stillwell introduced bill No. 178, to be entitled "an act to pay for work done on State House furniture," ect.

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second time, and referred to the committee on ways and means.

Mr. Watson introduced bill No. 179, entitled "an act to change the name of Louisa Brinkmire to that of Louisa Cornelia Hunt, and make her an heir of James F. Hunt.

Which was read a first time.

On motion of Mr. Watson, the rules were suspended, the bill read a second and third time and passed.

Mr. Haggin introduced bill No. 180, to be entitled "an act to authorize and empower Joseph B. Baines, of the county of Carroll, State of Arkansas, as the administrator *de bonis non* of the estate of William Beller, deceased, to sell and convey certain real estate of his intestate, and to execute deeds of conveyance therefor."

Which was read a first time.

On motion of Mr. Haggin the rules were suspended, the bill read a second time, and, On motion of Mr. Barton, referred to the committee on the judiciary.

The following communication was received from His Excellency, by the hands of R. H. Johnson, esq.:

EXECUTIVE OFFICE,
Little Rock, Arkansas,
5th Dec., 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

The Executive has received the resignation of the Chief Justice of the Supreme Court of the State, of which the following is a copy, to wit:

LITTLE ROCK, ARK.
2d December, 1854.

To the Governor:

SIR: I have the honor to request you will accept this, my resignation of the office of Chief Justice of the Supreme Court, to take effect on the 31st of December, inst.

Very respectfully,
GEO. C. WATKINS.

The public interest will require the election and qualification of a Chief Justice of the Supreme Court before the next January term of the court, and therefore information of the resignation is communicated.

ELIAS N. CONWAY.

Mr. Poe called up House bill No. 122, to be entitled "an act authorize Joseph Weston to sell certain real estate in Conway county."

After considerable discussion in regard to said bill, Mr. Poe had leave to withdraw the same.

On motion of Mr. Morton, Senate bill no. 44, entitled "an act to incorporate Crawford Institute," was taken up and read a first time.

On motion of Mr. Morton, the rules were suspended, and the bill read a second time.

Mr. Redmond moved to amend by inserting "that no minister belonging to the Methodist Episcopal Church North, shall ever hold any office in said institution."

The question being on the adoption of said amendment, Mr. Williams called for the ayes and nays, which call was sustained and the roll called.

Those members voting in the affirmative are:

Messrs. Allen, Austell, Beall, Brown, Bruton, Bunch, Burgess, Calvert, Cannon, Gordon, Gould, Guice, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Morton, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Stillwell, Stringfellow, Thorne, Wade, Watson, Whinery, Williams, Witt, Wood, and Mr. Speaker—48.

Those members voting in the negative are:

Messrs. Barton, Baxter, Beck, Butts, Byrne, Desha, Douglas, Edmondson, Ederington, Flippin, Gregg, Haggin, Harris, Hill, Hockersmith, Holmes, Johnson, Jones of Conway, Montgomery, Moulden, Smithson and Wilson—22.

So said amendment was adopted; when,

On motion of Mr. Jernigin, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

WEDNESDAY, *Dec. 6th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

On motion of Mr. Williams, a call of the House was ordered; but a quorum appearing within the hall of the House of Representatives,

On motion of Mr. Moulden, the call was suspended.

The journal of yesterday was read and approved.

On motion of Mr. Rector, the committee on internal improvements had leave to retire from the hall, to set on matters of importance to the State, on the subject of railroads.

Petitions from counties were in order.

Reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The committee on claims, to whom was referred the petition of John E. Smith, sheriff of Columbia county, asking the Legislature "to make an appropriation of $200 for his services in bringing one W. C. Jones, from Lexington jail, in the State of Missouri, to this State, by authority from his Excellency E. N. Conway," have considered the same, and report the following bill, and recommend its passage.

JOHNSON, *Chairman.*

Said bill, entitled "an act for the relief of John E. Smith," was read a first time.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 157, have considered the same and recommend its rejection.

They have also had under consideration House bill No. 153, entitled "an act to create a State Geologist," and a majority of said committee instruct me to report the same back and recommend its passage.

REDMOND, *Chairman.*

Mr. Holmes, from the committtee on enrollments, reported correctly enrolled "an act to incorporate the Batesville Male and Female Academy."

Reports from select committees were in order.

Mr. Barton made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 159, have considered the same and recommend its passage.

BARTON, *Chairman.*

Mr. Bunch made the following report:

Mr. Speaker:

The select committee to whom was referred the resolution requesting the Hon. Mr. Bruton and Hon. Mr. Guice to preach in this hall as often as may suit their convenience, beg leave to report that they have performed that duty, and that they have consented to that request.

BUNCH, *Chairman.*

Mr. Hunter offered the following preamble and resolution:

Whereas, It is deemed a matter of vital importance to the interest, advancement, and prosperity of the State of Arkansas, that she maintain unsullied her honor and integrity; and that we, members of this body, and all good citizens of the State, should, by all possible means, endeavor to redeem, maintain and perpetuate the same; therefore,

Resolved, That we cordially approve and endorse that portion of the Governor's message where he says, "The State of Arkansas will never repudiate her just debts. She will honestly pay them all when she can command the means."

Which, on motion of Mr. Baxter, was adopted.

Mr. Burgess introduced a bill to be entitled "an act to amend section 148 of the Digest."

Which was read a first time.

On motion of Mr. Burgess, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Allen introduced a bill entitled "an act for the cancellation of notes executed to the State of Arkansas for unconfirmed State lands."

Which was read a first time.

On motion of Mr. Allen the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Patterson, the rules were suspended, Senate bill No. 39, entitled "an act to further regulate the manner of bringing suits against the State," was taken up and read a first time.

On motion of Mr. Bruton the rules were suspended, the bill read a second and third time and passed.

Mr. Byrne introduced a bill to be entitled "an act to repeal section 8, article 5, chapter 51, under the head of Sabbath breaking."

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Watson introduced a bill enlitled "an act to amend the laws in relation to the 500,000 acres of land donated to the State of Arkansas."

Which was read a first time.

On motion of Mr. Watson the rules were suspended, the bill read a second time, and,

On motion of Mr. Moulden, referred to the judiciary committee.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 123, to be entitled "an act to change the time of holding the county and probate courts of Lafayette county."

Also, to House bill No. 151, to be entitled "an act to legalize the election of certain trustees in Prairie county."

Also, to House bill No. 66, to be entitled "an act to increase the pay of grand and petit jurors, and the pay of jurors summoned before justices of the peace in Sevier county."

Also, to House bill No. 37, entitled "an act for the benefit of George Hughes and others."

Also, to House bill No. 146, entitled "an act to incorporate the town of Grand Glaize."

All of which are herewith returned.

The Senate have adopted a joint resolution, proposing to go into an election of a Chief Justice, to fill the vacancy occasioned by the resignation of Chief Justice Watkins," which is herewith transmitted for the concurrence of your honorable body.

W. L. D. WILLIAMS,
Secretary of Senate.

On motion of Mr. Wood, the orders of the day were taken up.

House bill, to be entitled "an act to suppress the empirical practice of medicine in the State of Arkansas," was taken up and read.

Mr. Morton moved to amend by exempting the county of Crawford from the provisions of the bill.

Mr. Bruton moved to amend the amendment by exempting the county of Pope.

Both of which amendments were, on motion of Mr. Patterson, laid on the table till the 4th of July.

Mr. Wood moved to amend said bill by striking out "Little Rock" and inserting "Huntsville," which amendment was,

On motion of Mr. Stringfellow, laid on the table.

Mr. Desha moved to amend by striking out all after the enacting clause in section 7, before the word "that" in the 5th line in said section.

Which was read and adopted.

Mr. Desha moved to amend further by striking out section 13 of said bill, and insert in lieu thereof, the following, to wit:

SEC. 13. *Be it further enacted*, That this act shall not be so construed as to effect those persons now engaged in the practice of medicine in this State, who are regular graduates of a medical institution, and shall go and enroll their names on the books of said board, nor shall it effect those persons now engaged in the practice of medicine in this State, but who are not graduates of a medical school, who shall go before said board and pass an examination, nor shall it effect females now engaged or who may hereafter engage in the practice of obstetrics, and this act take effect from and after the first Monday in May next.

Which was also adopted.

Mr. Hunter moved to amend said bill by striking out the word "five" in 2d line, section 3, and in section 1, also strike out the word "one" coming after "in" in said line, and wherever the word "boards" occur in said bill, strike it out and insert the word "board;" strike out all of line "three" in section 3, and the words "members each" in line four, section 3, and insert "to consist of two members in each judicial circuit in this State," and insert in said fourth line after the word "elected," "every two years;" strike out all of line seven after "that," and insert "a majority;" strike out in the ninth line, section 3, the words "either of the medical boards," and insert "the medical board."

Strike out all of section 3, after the word "board" in line twelve of said section; strike out the word "respectively" in first line, section 4; strike out the words "any of" in line three, and all after the word "assembly" in lines four and five in section 5.

Strike out all of section 6 of said billl.

Strike out from the word "provided," in fifth line to the word "States" in the seventh line inclusive. In section 7, insert after "that the," the words "the members of," in line eight section 7.

Strike out all of section 8 of said bill.

Strike out the words "several," "in" and "are," in first line section 9, and insert "of" and "is" in place of "in" and "are;" also strike out the words "for their respective boards" in second line section 9; strike out the words "diploma or," in line fourth, section 10; strike out "or regulate," in line second, and "diploma," in line third, section 11; strike out "diploma or," in line second, section 12; strike out all of first line and second line, to the word State inclusive, in section 13.

Which amendment was read, and on motion of Mr. Thorn, laid on the table till 4th July.

Mr. Logan proposed to amend said bill by striking out the word "five" and insert the word "six" in the second line of section 3d, and in line third after the word "Batesville" insert "Fort Smith."

Which was adopted.

Mr. Patterson moved to amend said bill by striking out the words "now pending or," in the first line in section 11.

Which was also adopted.

Mr. Williams moved to amend by adding to section 9 the following, to wit: *Provided,* That nothing in this section shall be so lonstrued as to require said seal to be affixed to "permits" authorized by the 3d section of this act, to be granted by members of the board during the interim between the annual meetings of the board.

Which was adopted.

Mr. Wade moved to amend said bill by locating one of the boards at "Camden" in place of Washington."

Which was also adopted, and

On motion of Mr. Powel, the bill was ordered to be engrossed for a third reading on Monday next.

On motion of Mr. Jernigin, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

THURSDAY, *Dec. 7th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

The Speaker laid before the House the resignation letter of Mr. Harding, to wit:

LITTLE ROCK, *Dec. 3d*, 1854.

Gen'l SAMUEL MITCHELL,
Speaker of the House of Representatives:

DEAR SIR—Owing to continued indisposition since my arrival here, I am induced to resign the seat which I hold in the House of Representatives, as Representative from the county of Mississippi. The resignation to take effect from and after the 8th inst.

Yours, truly, JOSEPH C. HARDING.

On motion of Mr. Redmond, a committee of three, to wit: Messrs. Redmond, Austell and Wilson, were appointed by the chair to inform the Governor of the resignation of Mr. Harding.

Petitions from counties were in order.

Mr. Flippin presented a petition of sundry citizens of range 13, of Fulton, asking to be re-annexed to Marion county.

On motion of Mr. Flippin, said petition was referred to a select committee appointed on House bill No. 77, entitled "an act to repeal an act defining the western boundary line of Izard county," approved 24th Dec., 1840.

Reports from standing committees were in order.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 171, to be entitled "an act for the relief of the heirs of William P. Harris, deceased."

Also to House bill No. 93, to be entitled "an act for the relief of B. H. Smithson, late sheriff and collector of Washington county."

Which are herewith returned.

The Senate have passed Senate bill No. 43, to be entitled "an act supplementary to an act to regulate the landed interests of this State."

Also Senate bill No. 49, to be entitled "an act for the relief of William A. Neely, of Independence county, and to authorize him as guardian, to sell certain lands situated in Poinsett county, Arkansas."

Which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS,
Sec'y Senate.

The following message was received from his Excellency the Governor by the hands of R. H. Johnson, his private secretary:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives, that on the 6th day of Dec., 1854, he approved and signed "an act to incorporate the Batesville Male and Female Academy," and at the same time, "an act to amend an act to incorporate the Batesville Male and Female Academy."

Also, "an act to authorize the county court of Izard county to procure field notes and maps of the lands in said county."

R. H. JOHNSON,
Private Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to inform your honorable body that the Senate have passed Senate bill 51, entitled "an act to refund to James Clark, late Sheriff of Green county, $146 74-100, penalties paid by him into the State Treasury on revenue of the years 1848 and 1849."

Which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS,
Secretary Senate.

I am further authorized to inform your honorable body that the Senate have passed Senate bill No. 54, to be entitled "an act to incorporate the town of Ozark."

Which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Wood, from the committee on memorials, submitted the following:

Mr. Speaker:

The committee on memorials to whom was referred several petitions for the enactment of a law in respect to the sale of ardent spirits, have maturely considered the subject, and beg leave to submit the following report:

The petitioners declare in substance, that the use of ardent spirits as a beverage, is not only unnecessary for any useful purpose, but that it is injurious alike to the health and morals of every community where it is indulged. In a word, that it is the cause of much, if not most of the misfortune, crime and suffering which afflict the country.

To the truth of all this, the committee fully and unhesitatingly assent. They agree also, that an evil of such magnitude and enormity as this confessedly is, demands that all good men should unite in opposition to its continuance in our midst, and resort to all legitimate and proper means for its suppression.

And they would be glad to go further with the petitioners and agree with them, if it were practicable as to the particular means that may be legitimate, proper and usefully available for the accomplishment of this excellent purpose, which in common they have so much at heart.

But here the committee, while honoring the motives of the petitioners, are constrained by what they consider sound principles of legislation, and the best mode of advancing the cause of temperance itself, to differ with them in opinion.

In this respect indeed, the petitioners are not entirely agreed among themselves. In evidence of this, it seems proper to state, that of the four petitions, (and there are no more before the committee,) one with 85 signers asks for the passage of an act prohibiting the retail of ardent spirits within the State. Another with 35 signatures, asks that such traffic shall be prohibited or curtailed, while the other two (one of which has 215 signatures, and the other represents an association of delegates from the Baptist church in six counties,) concur in urging the enactment of a law giving or withholding a license for the sale of intoxicating liquors, according to the vote of the several townships. Upon one point only do all the petitioners entirely concur, and that is in favor of a compulsory or penal law of some sort against the sale or use of ardent spirits as a beverage, while in respect to the particular provisions of the proposed law, they severally entertain different and somewhat conflicting opinions.

It will be perceived, therefore, that even if the committee could concur with the petitioners upon this single point in which they all agree, it would be difficult, if not impracticable to frame any legal enactment so as to embrace and harmonize their several views; moreover, the committee do not feel authorized to admit, and do not believe that the petitioners before them express the views of a majority of the people of the State.

The petitions themselves, as well as the names attached to them, worthy as their purpose is, and as respectable as they are in character, are, apart from other considerations, altogether too small in number to authorize any such admission or belief. If a majority, or even a considerable minority of the people entertain such views, and especially if they desired any such legislation, it is but reasonable to suppose, that as it is so easy and common a practice to sign and send petitions, they would have appeared before the legislature in somewhat nearer proportion to their own numerical strength.

By this it is not meant that either this majority or minority desire or encourage the sale or habitual use of ardent spirits. On the contrary, the committee take pleasure in declaring their conviction that an overwhelming majority of the people of Arkansas are themselves temperate, and desire to see all others so, and that so far from favoring the traffic in intoxicating liquors, or their use as a beverage, they earnestly desire the discontinuance of those pernicious practices and would gladly help to banish them from the land.

The committee then concurring with the petitioners, as they certainly do, and with the people of the State, as they believe they do in the sentiment of opposition to intemperance and in the desire to suppress and eradicate it, recur to the only question between them, and that is, are the means proposed by the petitioners legitimate, proper and best calculated to accomplish the good object in view?

This question, as already intimated, the committee are constrained to answer in the negative. They do so because those means require the enactment of a compulsory law, and to this they object upon the general ground that neither in legislation, nor any other scheme for the useful regulation of human conduct should compulsion ever be resorted to, unless its necessity can be shown. Reason suggests, and experience has proved the best government to be that which governs least, or in the language of an eminent divine, "that government has approached nearest perfection which has found in practice the minimum of legal coercion, and the maximum of moral influence," that is the highest degree of virtue, and consequently, the greatest amount of happiness are attainable under that form of the social compact, which depends least upon law to compel obedience, and trusts to the influence of moral sentiment to insure the performance of duty.

The contrast here presented is truly that between physical force and moral suasion, the former a natural appendage and necessary appliance of legal coercion, seeking its purpose through the baser passions of the heart, such as fear, hatred and revenge, by exciting and developing them, debasing thereby the natures it controls, and attaining only obedience, generally reluctant in the end, while the latter, a higher instrumentality appealing to the nobler sentiments of the soul, such as love, gratitude, emulation and self-respect, elevating thereby the mind of the citizen to the height of its true responsibility, and calling forth its first powers to be educated by judicious exercise into healthy, vigorous and virtuous activity. It is believed that abundant proof of the soundness of these general views may be found wherever it may be sought for in the practical working of all human institutions, whether of the society of religion, or of civil polity. As an exemplification in the last named class, of imposing form, attractive interest and convincing power over our federal union, alike in its principles, and their practical application is referred to with entire confidence and satisfaction. Of this it has been truly said "its benign and legitimate functions are to protect rather than to govern, to advise rather than command, to instruct rather than to punish, and holding that all men are free, and all freemen equal, and equally entitled to the enjoyment of life, liberty and the pursuit of happiness in the way that to such may seem best, it no further interferes with the perfect freedom of speech and of action than may be indispensable to restrain the vicious and protect the good.

The committee are aware of nothing which can successfully contravene the teaching of this illustrious example. The petitioners have advanced nothing in the way of argument to invalidate it, nor have the committee seen any thing from any quarter to induce them to believe that Arkansas would derive benefit by any departure from the position they have assumed. The legislation of other States, on this subject, ranging as it has done, through the various degrees of stringency down to total prohibition, so far as it is known to the committee, and so far as it sheds any light, furnishes no support to the views of the petitioners, so far as any results from it in favor of temperance, or general morals were anticipated.

The committee are of opinion that it may be justly characterised as a decided failure; that it has been abundantly fruitful in bitter controversy, and eminently successful in stirring up strife and increasing intemperance of feeling and speech, wherever it has been tried. There is no question but that it has not any where, in any useful degree, advanced what is known as the cause of temperance, or improved the moral character of the community.

The committee have no evidence and are unable to believe, nor have they any reason to suppose, that it would answer a better purpose here than it has in other communities. On the contrary, holding that the reason of the failure of compulsory laws, which they have been seeking to set forth, is general in its character and universal in its relations, the committee are firmly convinced that its trial in Arkansas would be unsuccessful and mischevious as it has been elsewhere. The foregoing objections, general in their character, and founded, as the committee believe, on sound moral principles, are opposed to the general proposition of the petitioners for the enactment of a compulsory law. But in addition, the committee feel called upon to make known their special and decided opposition to that particular form of the law recommended by the larger number of petitioners, and known as the "township license." It proposes, in the language of the petitioners, "the giving or withholding a license for the sale of intoxicating liquors, according to the vote of the several townships." This, though somewhat disguised by its terms, is in principle as truly compulsory or coercive as the Maine liquor law itself; and it would be so in its operations, so far as it would go into operation. It is met, therefore, by all general objections which have been urged; but in addition to them, there are others which apply to it particularly and exclusively. Upon general principles, it may well be questioned whether such legislation as this involves is constitutional. The constitution makes the General Assembly the legislative power of the State. Upon that body, exclusively, it confers the power to make laws—a power which is not, and from its very nature cannot be, transferrable. Yet the prohibition is, in effect, that the General Assembly shall transfer its power in this case to the several townships, to be exercised by means of a popular vote. If this transfer of legislative power can be made in one case and for one purpose, and to townships, why may it not be made in all cases and for all purposes, and to counties, towns and single individuals, until the General Assembly shall have divested itself of all power to make laws? Thus presented, this seems too absurd for consideration; yet, in principle, wherein does it differ from the proposition alluded to, but in this case the nominal legislation would be by the General Assembly? But it would be nominal only; for though the forms would be observed, then the question whether it was a law in fact, as well as in name, would have to be determined by the voters of the township. It would, in effect, be no more a law when it left the constitutional halls of legislation, than if it were so much blank paper; and as an exercise of legislative power, it would be precisely the same thing whether the township voters gave effect to what had been written for them, or wrote out for themselves an entirely different and original enactment. But leaving out the constitutional question to more competent authority, the committee have another objection, less serious, to this vicarious legislation as proposed. It violates that essential principle in all good laws, that they should be uniform in their application and equal in their execution throughout the State.

This principle can never be disregarded with safety. Special legislation for a local necessity is allowable, but should be so done as to save this principle inviolate, as may always and easily be done by so framing the law or making another to meet any other similar local necessity, in a similar way, in any other part of the State. But the law in question is not proposed for special legislation, to meet some local necessity—its purpose is a general one, and the evil, at whose suppression it is aimed, is also a general one; that is, it may fairly and truly be assumed that it pervades about equally every part of the State.

If then it it be an evil to be suppressed, and for this purpose legislation is required, every consideration of reason and propriety demands that the legislation shall be coextensive in its scope with the evil itself. If it be the duty of the Legislature to interfere for the suppression of this evil anywhere, it must be equally its duty to suppress it everywhere within the scope of its jurisdiction; and yet the proposed law is of such a character, that it would suppress this evil, by the most stringent prohibition, in any one township, while it would tolerate and encourage it, by the freest license, in any other, perhaps an adjoining township. But not only so, what opportunities does it not afford, what encouragement does it not hold out for the evasion of its own provisions, and for all manner of dishonest and demoralizing practices, on the part as well of those who are intemperate themselves as of others who would tempt them to be so? What township, decidedly as it might adopt prohibition, by withholding the license, could protect itself from the active traffic in ardent spirits and the grossest intemperance along its border, and even within its limits, if one or more adjoining townships should give the license; and under such circumstances what controversies, and what scenes of violence and disorder would be liable and likely to arise, and superadded to existing evils of intemperance, still further affect the country? Is there any one to insist that a law, which would permit and encourage the evils thus pointed out, is founded in any principle of wise legislation? Can it in any degree sustain or advance the good cause of temperance; or can any Legislature, sensible of their duties and responsibilities, give to it the sanction of their approval or support?

In a preceding part of this report, the committee expressed the belief that the legislation asked for by the petitioners would not be in accordance with the views and wishes of the people of the State. This was not done in the spirit or with the purpose of the demagogue. This belief, carefully made up, is honestly entertained by the committee, who think further, that upon consideration, the Legislature will concur with them in it; and should they do so, then it will undoubtedly be wisdom on their part to conform their legislation in this respect to the popular will; for it should always be borne in mind and respected as an important truth, that whenever the legislation of a country, on this or any other subject, falls at all behind or moves much before the popular will, or conviction of its necessity or propriety, it can answer no useful purpose; but either remains as a dead letter upon the statute book, or what is far worse, by familiarizing the public mind with disregard and violation of one or more laws, engenders more or less of general disrespect for the whole body of the law.

That the legislation in this case proposed by the petitioners is of this character, the committee are entirely convinced; and without undertaking to determine whether it falls behind or goes far in advance of the popular sentiment, they are quite sure that it is not at all in accordance with it. But the committee have said, that although opposed to all compulsory legislation, they nevertheless deprecate the use and sale of ardent spirits as the prolific source of misfortune, crime and suffering, and would earnestly co-operate in any legitimate and practicable plan for their suppression.

In this they are perfectly sincere, and if asked for such a plan they recur to the contrast they have drawn between phisical force and moral suasion; and they propose a resort to the latter in any or all of its varied and benificent uses. Without going into detail, they would suggest that a powerful force, organized as temperance societies, is already in the field, under this noble banner; that this force has already achieved much in the good cause, and is daily extending the scope of its usefulness. In addition to this, may be counted as numerous, powerful and effective co-laborers, the several religious associations of the State, the fraternal societies of Masons and Odd-Fellows, the printing press, many private persons of high character and position, acting singly, and last though not least, but greatest in all good works, the whole female sex. Let these, convinced as they are of the evils of intemperance, and pledged to its discouragement, and with them all others who deprecate those evils, be duly reminded of their duty, and united in their efforts, and the good work, maintained by means and instrumentalities congenial with its own noble purpose and worthy of its high character, will be pushed forward and elevated to a point of success beyond the need and above the reach of physical force and legal coercion.

From the foregoing considerations, the committee are of opinion that the requests of the petitioners for the enactment of compulsory laws, as means of suppressing the evils of intemperance, ought not to be granted.

WOOD, *Chairman.*

Mr. Holmes moved to reject said report, and excuse the clerk from putting the same on the journal.

The question being on the rejection of the report, Mr. Wood called for the ayes and nays.

The call was sustained and the roll called.

Those voting to reject the report, are

Messrs. Allen, Barton, Baxter, Burgess, Byrne, Cannon, Ederington, Flippin, Gregg, Guice, Hill, Hockersmith, Holmes, Jacoway, Jones of Lawrence, Logan, Macon, Matthews, Moulden, Nunn, Patterson, Pettigrew, Powel, Puryear, Rice, Stringfellow, Thorn, Wade, Watson and Mr. Speaker—30.

Those voting in the negative, are

Messrs. Austell, Beall, Beck, Brown, Bruton, Bunch, Butts, Calvert, Desha, Douglas, Edmondson, Gordon, Gould, Harris, Hunter, Johnson, Jones of Conway, Jones of Desha, Jones of

Hot Spring, Jernigin, Leslie, Miller, Montgomery, Morton, Neale, Newton, Norsworthy, Poe, Primm, Ramsey, Rector, Redmond, Smithson, Stillwell, Whinery, Williams, Wilson, Witt and Wood—39.

So the report was not rejected.

On motion of Mr. Whinery, the report was re-committed to the committee on memorials.

Mr. Wood was excused from serving longer on said last named committee.

On motion of Mr. Redmond, the vote taken to re-commit said report to the committee on memorials was re-considered; when,

On the further motion of Mr. Redmond, the report was adopted.

Mr. Gregg made the following minority report:

Mr. Speaker:

The minority of the committee on memorials, to whom was referred divers petitions of sundry citizens of various portions and many counties of this State, have considered the same, and ask leave to report that they find the names of some several hundred good citizens of this State signed to said petitions; and that it is stated in said petitions that it is the opinion of said petitioners, that there is a great evil resulting from the present system of setting up and keeping "dram shops;" and further, we find from the prayer of said petitioners, that it is the desire of that large and respectable portion of our population to have this General Assembly to pass some such laws as will allow the majority of the qualified voters in each county in this State to determine whether they will have a dram shop in their county or not.

Your committee, believing that such laws as prayed for by said petitioners are purely democratic in their character, and would greatly tend to the peace and quietude of society, and result in much good to the State, they therefore present a bill herewith and recommend its passage.

CANNON,
MORTON,
GREGG,
BYRNE,

Minority of Com. on Memorials.

Which bill, entitled "an act to regulate the retail of ardent spirits in this State," was read a first time.

On motion of Mr. Wilson, the rules were suspended and the bill read a second time.

Mr. Wood moved to reject said bill.

The ayes and nays were called and sustained, and the roll called.

Those voting to reject the bill, are

Messrs. Austell, Bruton, Bunch, Butts, Douglas, Gould, Harris, Johnson, Jones of Desha, Jones of Hot Spring, Miller, Neale, Norsworthy, Poe, Puryear, Ramsey, Terry, Tuley, Watson, Whinery and Wood—21.

Those voting in the negative, are

Messrs. Allen, Barton, Baxter, Beall, Beck, Brown, Burgess, Byrne, Calvert, Cannon, Desha, Edmondson, Edrington, Flippin, Gordon, Gregg, Guice, Hill, Hockersmith, Holmes, Hunter, Jacoway, Jones of Conway, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Montgomery, Morton, Moulden, Newton, Nunn, Pettigrew, Powel, Primm, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Thorn, Wade, Williams, Wilson, Witt and Mr. Speaker—49.

So the bill was not rejected.

Mr. Jones of Desha moved to adjourn till to-morrow morning, 9 o'clock.

Mr. Puryear called for the ayes and nays on said motion, which being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Desha, Hunter, Jones of Desha, Stringfellow, Terry and Mr. Speaker—7.

Those members who voted in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Beck, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Harris, Hill, Hockersmith, Holmes, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Thorn, Tuley, Wade, Watson, Whinery, Williams, Wilson, Witt and Wood—64.

So the House refused to adjourn.

Mr. Beall moved to amend the above bill by striking out the "first Monday in May next," so that the first election will be held on the day of the next general election.

Which was lost.

Mr. Wood moved to amend said bill by exempting the county of Madison from the provisions of the same.

Mr. Jones of Desha, by exempting Desha county.

Mr. Neale, by exempting Chicot county.

Mr. Stringfellow by exempting Montgomery county.

All of which amendments were lost.

On motion of Mr. Baxter, said bill was referred to the committee on the judiciary.

The following message was received from the Senate:

Mr. Speaker:

I present, for your honor's signature, "an act further to regulate the manner of bringing suits against the State."

W. L. D. WILLIAMS,
Sec'y of the Senate.

On motion of Mr. Hill, the House adjourned until to-morrow morning, 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

FRIDAY, *Dec.* 8, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

On motion of Mr. Brown, the vote taken on Mr. Redmond's amendment to Senate bill No. 44, entitled "an act to incorporate Crawford Institute," was re-considered; when,

On motion of Mr. Brown, the amendment was laid on the table.

Mr. Cannon offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That from and after the passage of this resolution, the present board of swamp land commissioners shall not let any more levee work, drains or ditches, or have any control of any matter pertaining to the swamp and overflowed lands donated to this State, further than to receive and pay for the work already contracted for, in the manner now provided by law."

Which was read a first time.

On Motion of Mr. Byrne, the rules were suspended and the resolution read a second time.

Mr. Bruton moved to refer the resolution to the committee on swamp lands.

Which was lost.

Mr. Bruton moved to amend said resolution by saying "until authorized by law."

Which was agreed to.

Mr. Puryear moved to amend by "allowing the work on the Mississippi river, in the counties of Mississippi, Chicot, Crittenden and Phillips, to be completed," which,

On motion of Mr. Williams, was laid on the table.

On motion of Mr. Bruton, the rules were suspended, the resolution read a third time and adopted.

Mr. Powel offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That a joint committee be raised—three of the House and two of the Senate—whose duty it shall be to inquire into all the facts in relation to the manner in which the laws for the reclamation of swamp and overflowed lands in this State have ben administered during the last three years, and especially whether the commissioners have entered into the contract with Mr. Thomas Peters, or any one else, for the reclamation of all the said lands in said State, and if so, to report to the General Assembly as soon as practicable, all the facts in relation to such contract, and the administration of said laws, and that said committee sit at their own pleasure, and have full power to send for persons and papers, and receive written or oral evidence under oath.

Which was read a first time.

On motion of Mr. Powel, the rules were suspended, the resolution read a second time, and,

On motion of Mr. Williams, the rules were suspended, the resolution read a third time and adopted, and Messrs. Powel Puryear and Barton, appointed as such committee on the part of the House.

Mr. Tuley introduced House bill No. 191, to be entitled "an act to provide for the assignment of certificates of purchase of seminary lands."

Which was read a first time.

On motion of Mr. Tuley, the rules were suspended and the bill read a second time.

Mr. Bruton moved to refer said bill to the committee on the judiciary—which was lost.

On motion of Mr. Williams, the rules were suspended, the bill read a third time, and passed.

Mr. Logan presented a petition signed by Joseph M. Vance, asking relief for duties rendered in delivering persons to the penitentiary from Scott county, which was, on motion of Mr. Logan, referred to the committee on claims.

Mr. Norsworthy moved to take up Senate bill No. 51, entitled "an act for the relief of James Clark, late sheriff of Green county, etc.," two-thirds of a quorum voting in the affirmative, the chair decided that the rules were suspended.

Mr. Patterson appealed from the decision of the chair, and the question being submitted, the chair was sustained.

So said bill was taken up and read a first time.

On motion of Mr. Nunn, the rules were suspended, the bill read a second and third time and passed.

Mr. Rector submitted the following report:

Mr. Speaker:

The committee on internal improvements, to whom was referred so much of the Governor's message as relates to internal improvements—joint resolutions in relation to the Cairo and Fulton Railroad—House bill No. 120, entitled "an act to carry into effect the act of Congress granting lands to the State of Arkansas for railroad purposes," approved February 9th, 1853; House bill 119, entitled "an act in regard to the Fort Smith branch of the Cairo and Fulton Railroad," with the accompanying papers; House bill No. 126, entitled "an act to carry into effect the act of Congress, granting lands to the State of Arkansas," approved February 9th, 1853; House bill No. 160, entitled "an act to fix the line of the Cairo and Fulton Railroad, and for other purposes," and the memorial of P. L. Anthony, and two hundred and twenty-one others, praying the Legislature to donate the lands granted by Congress to the Mississippi branch of the Cairo and Fulton Railroad to the president and directors of the Arkansas Midland Railroad Company, have had the same respectively before them in a spirit of earnest inquiry, and beg leave, through their chairman, to report that: That, shortly preceding the organization of the committee, it was determined in the proceedings thereof, that a sub-committee of five be appointed to confer with Roswell Beebe, esq., President of the Cairo and Fulton Railroad Company, for the purpose of ascertaining from him, acting as the representative or chief officer of said company, whether said company would consent to certain modifications in the act of incorporation or the charter of said company, which modifications numbered from one to eight inclusive, and set forth, as they have submitted in the correspondence, is herewith presented to the House for its information, the result of which conference between them was, that Mr. Beebe, acting by the authority of the company, declined to consent to the modifications suggested, except that provision contained in the 8th proposition.

The result of the interview being then reported to the committee in chief, advising it of the declension of Mr. Beebe to agree to some of their most important suggested modifications, the committee proceeded to take action in detail upon the response of Mr. Beebe, the result of which action was, that they determined to adhere to the positions assumed and submitted to Mr. Beebe, as the basis of their future action in digesting a system to be reported to the House of Representatives, as the result of their deliberations. Thereupon, your committee feeling a great sense of delicacy, nevertheless, in presenting a frame-work, exclusively of their own architecture, beg leave to report as a substitute for the several bills, resolutions, etc., referred to them touching this important and difficult branch of our legislative duties, the accompanying bill, prepared at the expense of much solicitude, and no slight degree of manual labor, and though imperfect, perhaps, it may be asked for it a deliberate and impartial consideration, succeeding which, the committee will yield that cheerful acquiescence, which, in due respect to the House of Representatives, it is their duty to accord.

RECTOR, *Chairman*
Committee on Internal Improvements.

On motion of Mr. Redmond, five hundred copies of the above report, bill and correspondence, were ordered to be printed.

On motion of Mr. Puryear, the House took a recess till eleven o'clock, A. M.

11 O'CLOCK, A. M.

The House convened.

On motion of Mr. Rice, the Senate was informed that the hall of the House was ready for their reception, for the purpose of going into the election of an Auditor of Public Accounts.

The following message was received from the Governor:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 7th day of December, 1854, he approved and signed "an act to change the time of holding the probate courts of Calhoun county."

"An act to change the time of holding the probate courts of the counties of Izard, Marion and Van Buren."

"An act for the relief of grand and petit jurors in the county of Columbia, and for witnesses summoned to appear before the circuit courts of Lafayette and Columbia counties, in State cases."

"An act to compensate jurors and witnesses in the county of Drew, for attending courts of record."

"An act for the benefit of Geo. W. Lovel and Samuel W. Peel, of Independence county."

"An act declaring township 3 north, in range 1 east, to be in Marion county."

"An act to prevent the building of dams across bayous or other streams in Crittenden county," and also

"An act to seperate the county and probate courts in Conway county."

R. H. JOHNSON,
Private Sec'y.

The following communication was received from His Excellency, the Governor:

EXECUTIVE OFFICE,
Little Rock, Arkansas,
Dec. 8th, 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

A bill entitled "an act to incorporate the Perkins Institute, in the town of Smithville, in Lawrence county," has been presented to me for my approval, but, as it provides in section 4, that the President and Trustees of the Perkins Institute, and their successors, shall have perpetual succession, I cannot approve it; because this provision is in violation of the constitution of the State of Arkansas, which, in section 19, of article 2, declares that perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed. I therefore, herewith return the bill for re-consideration.

ELIAS N. CONWAY.

The Senate now appeared in the hall and were seated.

Mr. President announced that nominations for Auditor of Public Accounts were in order.

Mr. Jernigin nominated Mr. A. H. Rutherford.
" Bruton " " A. S. Huey.

Mr. Pettigrew nominated Mr. R. L. Pegues.
" Calvert " " W. R. Miller.
" Totten, of the Senate, nominated I. C. Mills.

No further nominations being made, the roll was called, when it appeared that Mr. Rutherford had received, upon jaint ballot, 20 votes; Mr. Huey 27 votes; Mr. Pegues 1 vote; Mr. Miller 33 votes; and Mr. Mills 14 votes.

Those members in the House who voted for Mr. Rutherford, are

Messrs. Beall, Butts, Ederington, Gordon, Gregg, Haggin, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson, Stillwell, Terry, Watson, Wilson and Wood—17.

Those members who voted for Mr. Huey, are·

Messrs. Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Gould, Guice, Harris, Holmes, Matthews, Newton, Powel, Primm, Thorn, Wade and Williams—19.

Mr. Pettigrew voted for Mr. Pegues.

Those members in the House who voted for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Calvert, Douglas, Edmondson, Flippin, Hunter, Johnson, Jones of Lawrence, Leslie, Macon, Montgomery, Morton, Norsworthy, Nunn, Patterson, Puryear, Ramsey, Rice, Whinery, Witt and Mr. Speaker—25.

Those members who voted for Mr. Mills, are

Messrs. Hill, Jones of Conway, Jones of Desha, Jones of Hot Spring, Miller, Neale, Poe, Rector, Redmond, Stringfellow and Tuley—11.

None of the candidates having received a majority of all the votes cast, Mr. President announced that no choice had been made.

Whereupon, the convention proceeded to ballot a second time.

Those members in the House who voted for Mr. Rutherford, are

Messrs. Beall, Ederington, Gregg, Haggin, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson, Terry, Watson, Wilson and Wood—14.

Those members of the House who voted for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Byrne, Cannon, Desha, Gordon, Gould, Guice, Harris, Holmes, Matthews, Newton, Nunn, Poe, Powel, Primm, Stillwell, Thorn, Wade and Williams—22.

Mr. Pettigrew voted for Mr. Pegues.

Those members voting for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Flippin, Hunter, Johnson, Jones of Lawrence, Leslie, Macon, Montgomery, Moulden, Patterson, Puryear, Rice, Whinery, Witt and Mr. Speaker—23.

Those members voting for Mr. Mills, are

Messrs. Bunch, Hill, Jones of Desha, Jones of Conway, Jones of Hot Spring, Miller, Neale, Norsworthy, Ramsey, Rector, Redmond, Stringfellow and Tuley—13.

None of the candidates having received a majority of all the votes cast, the convention proceeded to a third ballot.

Mr. Pettigrew withdrew the name of Mr. Pegues.

Those members of the House who voted for Mr. Rutherford, are

Messrs. Beall, Ederington, Gordon, Gregg, Haggin, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson, Stillwell, Watson, Wilson and Wood—15.

Those voting for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Gould, Guice, Harris, Holmes, Matthews, Newton, Nunn, Poe, Powel, Primm, Terry, Thorn, Wade and Williams—22.

Those members voting for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Flippin, Hunter, Johnson, Jones of Lawrence, Leslie, Macon, Montgomery, Morton, Patterson, Pettigrew, Puryear, Ramsey, Rice, Whinery, Witt and Mr. Speaker—25.

Those members who voted for Mr. Mills, are

Messrs. Hill, Jones of Conway, Jones of Desha, Jones of Hot Spring, Miller, Neale, Norsworty, Rector, Redmond, Stringfellow and Tuley—11.

None of the candidates having received a majority of all the votes cast, the convention proceeded to a fourth ballot.

Those members of the House who voted for Mr. Rutherford, are

Messrs. Beall, Ederington, Gregg, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson, Stillwell, Terry, Watson, Wilson and Wood—14.

Those members voting for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Gordon, Gould, Guice, Harris, Holmes, Matthews, Newton, Nunn, Powel, Primm, Thorn, Wade and Williams—21.

Those voting for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Flippin, Haggin, Hunter, Johnson, Jones of Lawrence, Leslie, Macon, Montgomery, Morton, Patterson, Pettigrew, Puryear, Ramsey, Rice, Whinery, Witt and Mr. Speaker—26.

Those voting for Mr. Mills, are

Messrs. Hill, Jones of Conway, Jones of Desha, Jones of Hot Spring, Miller, Neale, Norsworthy, Poe, Rector, Redmond, Stringfellow and Tuley—12.

In the Senate Mr. Rutherford received 2 votes.
" " " Huey " 9 "
" " " Miller " 8 "
" " " Mills " 3 "

None of the candidates having received a majority of all the votes cast, the convention proceeded to a fifth balloting.

Those members of the House who voted for Mr. Rutherford, are

Messrs. Beall, Ederington, Gregg, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson, Stillwell, Watson and Wilson—12.

Those voting for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Byrne, Cannon, Desha, Gordon, Gould, Guice, Harris, Holmes, Matthews, Newton, Nunn, Poe, Powel, Primm, Terry, Thorn, Wade, Williams and Wood—23.

Those voting for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Bunch, Burgess, Butts, Calvert, Douglas, Edmondson, Flippin, Haggin, Hunter, Johnson, Jones of Lawrence, Leslie, Macon, Montgomery, Morton, Patterson, Pettigrew, Puryear, Ramsey, Rice, Whinery, Witt and Mr. Speaker—27.

Those voting for Mr. Mills, are

Messrs. Hill, Jones of Conway, Jones of Desha, Jones of Hot Spring, Miller, Neale, Norsworthy, Rector, Redmond, Stringfellow and Tuley—11.

None of the candidates having received a majority of all the votes cast, the convention proceeded to a sixth balloting.

Those members of the House who voted for Mr. Rutherford, are

Messrs. Beall, Ederington, Gregg, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson, Stillwell, Watson and Wilson—12.

Those voting for Mr. Huey, are

Messrs, Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Gordon, Gould, Guice, Harris, Holmes, Matthews, Miller, Newton, Nunn, Poe, Powel, Primm, Terry, Thorn, Wade, Williams and Wood—25.

Those voting for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Flippin, Haggin, Hunter, Johnson, Jones of Lawrence, Leslie, Macon, Montgomery, Morton, Patterson, Pettigrew, Puryear, Ramsey, Rice, Whinery, Witt and Mr. Speaker—26.

Those voting for Mr. Mills, are

Messrs. Hill, Jones of Conway, Jones of Desha, Jones of Hot Spring, Neale, Norsworth, Rector, Redmond, Stringfellow and Tuley—10.

None of the candidates having received a majority of all the votes, the convention proceeded to a seventh balloting.

Those members of the House who voted for Mr. Rutherford, are

Messrs. Beall, Ederington, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson, Watson and Wilson—10.

Those voting for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Gordon, Gould, Guice, Harris, Holmes, Jones of Lawrence, Matthews, Newton, Nunn, Poe, Powel, Primm, Stillwell, Terry, Thorn, Wade, Williams and Wood—26.

Those members who voted for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Flippin, Haggin, Hunter, Johnson, Leslie, Macon, Montgomery, Morton, Patterson, Pettigrew, Puryear, Ramsey, Rice, Whinery, Witt and Mr. Speaker—25.

Those voting for Mr. Mills, are

Messrs. Gregg, Hill, Jones of Conway, Jones of Desha, Jones of Hot Spring, Miller, Neale, Norsworthy, Rector, Redmond, Stringfellow and Tuley—12.

None of the candidates having received a majority of all the votes cast, the convention proceeded to the eighth ballot.

Those members voting for Mr. Rutherford, are

Messrs. Beall, Gregg, Haggin, Hill, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson and Wilson—11.

Those members who voted for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Gordon, Gould, Guice, Harris, Holmes, Jones of Lawrence, Matthews, Newton, Nunn, Poe, Powel, Primm, Stillwell, Terry, Thorn, Wade, Williams and Wood—26.

Those members of the House who voted for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Flippin, Hunter, Johnson, Leslie, Macon, Montgomery, Morton, Patterson, Pettigrew, Puryear, Ramsey, Rice, Watson, Whinery, Witt and Mr. Speaker—25.

Those members voting for Mr. Mills, are

Messrs. Ederington, Jones of Conway, Jones of Desha, Jones of Hot Spring, Miller, Neale, Norsworthy, Rector, Redmond, Stringfellow, and Tuley—11.

In the Senate Mr. Rutherford received 2 votes.
" " " Huey " 9 "
" " " Miller " 7 "
" " " Mills " 4 "

None of the candidates having received a majority of all the vates cast, the convention proceeded to ballot a ninth time.

Those members who voted for Mr. Rutherford, are

Messrs. Beall, Ederington, Gregg, Haggin, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson and Wilson—11.

Those members who voted for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Gordon, Gould, Guice, Harris, Holmes, Jones of Lawrence, Matthews, Newton, Nunn, Powel, Primm, Stillwell, Terry, Thorn, Wade, Williams and Wood—25.

Those members who voted for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Flippin, Hunter, Johnson, Leslie, Macon, Montgomery, Morton, Patterson, Pettigrew, Puryear, Ramsey, Redmond, Rice, Watson, Whinery, Witt and Mr. Speaker—26.

Those members who voted for Mr. Mills, are

Messrs. Hill, Jones of Conway, Jones of Desha, Jones of Hot Spring, Miller, Neale, Norsworthy, Poe, Rector, Stringfellow and Tuley—11.

None of the candidates having received a majority of all the votes cast, Mr. President announced that no choice had been made.

Mr. Gordon moved that the convention take a recess until 3 o'clock, P. M.

Which was lost.

The convention then proceeded to ballot a tenth time, when the following members of the House voted for Mr. Rutherford:

Messrs. Beall, Ederington, Haggin, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson and Wilson—10.

Those members voting for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Gordon, Gould, Gregg, Guice, Harris, Holmes, Jones of Lawrence, Matthews, Miller, Newton, Nunn, Poe, Powel, Primm, Stillwell, Terry, Thorn, Wade, Williams and Wood—28.

Those members who voted for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Flippin, Hunter, Johnson, Macon, Leslie, Montgomery, Morton, Norsworthy, Patterson, Pettigrew, Puryear, Ramsey, Redmond, Rice, Watson, Whinery, Witt and Mr. Speaker—27.

Those voting for Mr. Mills, are

Messrs. Hill, Jones of Conway, Jones of Desha, Jones of Hot Spring, Neale, Rector, Stringfellow and Tuley—8.

None of the candidates having received a majority of all the votes cast, Mr. President announced that no election had been made.

On motion of Mr. Totten of the Senate, the convention took a recess till 3 o'clock, P. M.

3 o'clock, P. M.

The convention convened and proceeded to the eleventh balloting.

Those members of the House who voted for Mr. Rutherford, are

Messrs. Beall, Ederington, Gregg, Haggin, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson, Watson and Wilson—12.

Those voting for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Flippin, Gordon, Gould, Guice, Harris, Holmes, Jones of Lawrence, Matthews, Newton, Nunn, Poe, Powel, Primm, Stillwell, Terry, Thorn, Wade, Williams and Wood—27.

Those voting for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Byrne, Butts, Calvert, Douglas, Edmondson, Hunter, Johnson, Leslie, Macon, Montgomery, Morton, Norsworthy, Patterson, Pettigrew, Puryear, Ramsey, Redmond, Whinery, Witt, and Mr. Speaker—24.

Those voting for Mr. Mills, are

Messrs. Hill, Jones of Conway, Jones of Desha, Jones of Hot Spring, Miller, Neale, Rector, Rice, Stringfellow and Tuley—10.

In the Senate Mr. Rutherford received three votes.

In the Senate Mr. Huey received eight votes.

In the Senate Mr. Miller received seven votes.

In the Senate Mr. Mills received four votes.

No candidate having received a majority of all the votes cast, the convention proceeded to a twelfth balloting.

Those members who voted for Mr. Rutherford, are

Messrs. Beall, Ederington, Gregg, Haggin, Hill, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson, Watson and Wilson—13.

Those members who voted for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Flippin, Gordon, Gould, Guice, Harris, Holmes, Jones of Lawrence, Matthews, Newton, Nunn, Poe, Powel, Primm, Stillwell, Terry, Thorn, Wade, Williams and Wood—27.

Those members who voted for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Hunter, Johnson, Leslie, Macon, Montgomery, Morton, Norsworthy, Patterson, Pettigrew, Puryear, Ramsey, Redmond, Whinery, Witt and Mr. Speaker—24.

Those who voted for Mr. Mills, are

Messrs. Jones of Conway, Jones of Desha, Jones of Hot Spring, Miller, Neale, Rector, Rice, Stringfellow and Tuley—9.

None of the candidates having received a majority of all the votes cast, Mr. President announced that no choice had been made, wherefore, the convention proceeded to ballot a thirteenth time.

Those members who voted for Mr. Rutherford, are

Messrs. Beall, Ederington, Gregg, Haggin, Hockersmith, Jacoway, Jernigin, Logan, Moulden, Smithson, Watson and Wilson—12.

Those members who voted for Mr. Huey, are

Messrs. Allen, Barton, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Flippin, Gordon, Gould, Guice, Harris, Holmes, Jones of Hot Spring, Jones of Lawrence, Matthews, Newton, Nunn, Poe, Powel, Primm, Stillwell, Terry, Thorn, Wade, Williams and Wood—28.

Those members who voted for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Hunter, Johnson, Leslie, Macon, Montgomery, Morton, Norsworthy, Patterson, Pettigrew, Puryear, Ramsey, Redmond, Whinery, Witt and Mr. Speaker—24.

Those members who voted for Mr. Mills, are

Messrs. Hill, Jones of Conway, Jones of Desha, Miller, Neale, Rector, Rice, Stringfellow and Tuley—9.

None of the candidates having received a majority of all the votes cast, the convention proceeded to ballot a fourteenth time.

Mr. Jernigin withdrew the name of Mr. Rutherford.

Those members who voted for Mr. Huey upon the 14th ballot, are

Messrs. Allen; Barton, Beall, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Harris, Hockersmith, Holmes, Jacoway, Jones of Hot Spring, Jones of Lawrence, Matthews, Moulden, Newton, Nunn, Poe, Powel, Primm, Stillwell, Terry, Thorn, Wade, Williams and Wood—34.

Those members who voted for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Hunter, Johnson, Leslie, Macon, Montgomery, Morton, Norsworthy, Patterson, Pettigrew, Puryear, Ramsey, Redmond, Smithson, Watson, Whinery, Wilson, Witt and Mr. Speaker—27.

Those members who voted for Mr. Mills, are

Messrs. Ederington, Hill, Jones of Conway, Jones of Desha, Jernigin, Logan, Miller, Neale, Rector, Rice, Stringfellow and Tuley—12.

None of the candidates having received a majority of all the votes cast, Mr. President announced that no choice had been made.

Mr. Totten of the Senate, withdrew the name of Mr. Mills, whereupon the convention proceeded to the fifteenth balloting.

Those members of the House who voted for Mr. Huey, are

Messrs. Allen, Barton, Beall, Bishop, Bruton, Bunch, Byrne, Cannon, Desha, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Harris, Hill, Hockersmith, Holmes, Jacoway, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Matthews, Miller, Moulden, Neale, Newton, Nunn, Poe, Powel, Primm, Stillwell, Terry, Thorn, Tuley, Wade, Williams and Wood—40.

Those members of the House who voted for Mr. Miller, are

Messrs. Austell, Baxter, Beck, Brown, Burgess, Butts, Calvert, Douglas, Edmondson, Hunter, Johnson, Jernigin, Leslie, Logan, Macon, Montgomery, Morton, Norsworthy, Patterson, Pettigrew, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stringfellow, Watson, Whinery, Wilson, Witt and Mr. Speaker—32.

In the Senate Mr. Huey received 13 votes.

In the Senate Mr. Miller received 9 votes.

Whereupon, Mr. President announced that A. S. Huey, Esq., having received a majority of all the votes cast, was duly and constitutionally elected Auditor of Public Accounts, of the State of Arkansas, for and during the time prescribed by law.

The Senate now retired from the hall of the House of Representatives.

On motion of Mr. Patterson, the House adjourned.

SAML. MITCHELL,
Speaker Ho. of Reps.

MONDAY, *Dec.* 11*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Mr. Patterson presented a petition of sundry citizens of Independence county, asking the passage of "an act striking off a portion of Independence county, and attaching the same to the county of Jackson."

Which petition was, on motion of Mr. Patterson, referred to the committee on county and county lines.

On motion of Mr. Wade, leave of absence was granted Mr. Thorn.

On motion of Mr. Smithson, leave of absence was granted Mr. Jones of Hot Spring.

On motion of Mr. Norsworthy, leave of absece was granted Messrs. Jernigin and Terry.

Mr. Williams presented the petion of Elizabeth A. Gullett, asking the passage of an act authorizing her to sell certain lands.

Which, on motion of Mr. Williams, was referred to a select committee, consisting of Messrs. Williams, Neale, Haggin, Cannon and Holmes.

Mr. Wade presented a memorial of sundry citizens of the State of Arkansas, asking a donation of the lands reverting to the Mississippi branch of the Cairo and Fulton Railroad, to the President and Directors of the Arkansas Midland Railroad Company.

Which, on motion of Mr. Wade, was referred to the committee on internal improvements.

Mr. Flippin presented the petition of sundry citizens of Marion county, asking an act of incorporation for the town of Yellville, in said county.

Which, on motion of Mr. Flippin, was referred to a select committee, consisting of Messrs. Flippin, Bunch and Pettigrew.

Reports from standing committees were in order.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 178, entitled "an act to pay for work done on State House, furniture, etc." have considered the same and recommend its passage.

REDMOND, *Chairman.*

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to legalize the sale of certain school lands."

"An act to change the names of Mary Elizabeth Robertson, and others."

"An act to incorporate the town of Paraclifta."

"An act to legalize the election of certain trustees of common schools, in Prairie county."

"An act to change the time of holding the county and probate courts of Lafayette county."

"An act to increase the pay of grand and petit jurors, and the pay to jurors summoned before justices of the peace in Sevier county."

"An act to incorporate the town of Grand Glaze, in the county of Jackson."

"An act for the benefit of George Hughes and others, in Scott county, Arkansas."

And have instructed me to report the same correctly enrolled.

HOLMES, *Chairman.*

Mr. Johnson made the following report:

Mr. Speaker:

The committee on claims, to whom was referred House bill No. 144, have considered the same and recommend its rejection, for the reason that the bill requires the payment out of the State Treasury, in place of the swamp land fund.

Also, a petition of James M. Vance, deputy sheriff of Scott county, asking additional compensation for bringing four prisoners to the penitentiary of this State; the committee think it inexpedient to make any further allowance than what is prescribed by law.

Also, the petition of R. L. Pegues, and instruct me to report that the committee agree to allow him, the said Pegues, the sum of three hundred and fifty dollars, in full for his services.

JOHNSON, *Chairman.*

Mr. Jones of Desha, made the following report:

Mr. Speaker:

The committee on swamp lands, to whom was referred House bill 131, entitled "an act to provide for the refunding swamp land scrip, located on unconfirmed swamp and overflowed lands, and to confirm certain irregular entries, and for other purposes," have considered the same and recommend its passage.

Also, resolution No. 8, instructing the committee to enquire into the expediency of passing a law confirming irregular entries, etc., and report that House bill No. 131, makes all the necessary provisions, and provides for all deficiencies in existing laws, on the subject matter of said resolution, submitted for their consideration.

JONES of Desha, *Chairman.*

Mr. Jacoway presented the report of the internal improvement commissioner of Yell county, which was referred to the committee on internal improvements.

Mr. Rector made the following report:

Mr. Speaker:

The committee on internal improvements to whom was referred House bill No. 61, entitled "an act to grant a charter to James H. Patterson and James F. Saffold," having examined said bill, have instructed me to report the same back to the House with the following amendments, and recommend its passage:

1st. Strike out the words "seventy-five cents" and insert the words "thirty-seven and a half cents."

2d. Strike out the words "fifty cents" and insert the words twenty-five cents."

3d. Strike out the words "fifteen cents" and insert the words "ten cents."

4th. Strike out the words "thirty cents" and insert "fifteen cents," all in section 4 of said bill.

5th. Amend section 5 by striking out all after the enacting clause, and insert the following in lieu thereof:

"That no toll gate or road shall hereafter be chartered within four miles of said road, until the expiration of this charter, which is hereby granted for the term of fifteen years.

RECTOR, *Chairman.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 141, entitled an act to amend an act to authorize and prescribe the manner by which persons in this State, may adopt illegitimate children, and others, and make them heirs at law, approved January 12th, 1853, have had the same under consideration and have added after the word "law" in last line of section first of said bill, the following clause as an amendment, to wit: "And in all cases where any person may desire to have his or her name changed, it may be lawful for he or she, to do so in the manner, and under the same regulations, as are now prescribed for adopting such." The committee have instructed me to report the bill back to the House with an amendment and recommend its passage as amended.

The committee on the judiciary recommend the passage of House bill No. 185, entitled "an act to repeal section 8, article 5, chapter 51, under the head of Sabbath breaking."

The same committee have instructed me to report House bill No. 156, entitled "an act to amend chapter 68 of the Digest," back to the House, and recommend its rejection.

The committee on the judiciary to whom was referred House bill No. 161, entitled "an act to regulate the practice concerning depositions," have considered the same, and a majority of said committee have amended said bill by adding after the last word, in section 1 of said bill, the words "and no exception or objection to the same shall be allowed on the trial, except such objections as relate to the competency, relevancy or sufficiency of the deponent or deposition," and by striking out section 2 of said bill; and have instructed me to report the same back to the House with the amendment, and recommend its passage.

The committee on the judiciary recommend the rejection of House bill No. 186, entitled "an act to amend the laws in relation to the sale of the 500,000 acres of land donated to the State of Arkansas."

The committee also recommend the rejection of House bill No. 181, entitled an act supplementary to chapter 148, of the Digest of Arkansas.

The committee recommend the rejection of House bill 180, entitled an act to authorize and empower Joseph B. Baines, of the county of Carroll and State of Arkansas, as the administrator *de bonis non*, of the estate of William Beller, deceased, to sell and convey certain real estate, of his intestate, and to execute deeds of conveyance therefor." They further recommend the rejection of House bill No. 174, entitled an act to call in the scrip of Conway county.

DESHA, *Chairman.*

Reports from select committees were in order.

Mr. Redmond made the following report:

Mr. Speaker:

The select committee appointed to wait on the Governor to hand him the resignation of the Hon. Joseph C. Harding, have performed said duty, and the Governor has accepted the same.

Mr. Redmond further reported that the select committee to whom was referred House bill No. 91, entitled an act to amend and revise the law in relation to the 16th section, in township 13 north, of range 6 west, have considered the same and recommend its passage.

REDMOND, *Chairman.*

Mr. Bruton made the following report:

Mr. Speaker:

The select committee, to whom was referred House bill No. 127, entitled an act to amend the 159th chapter of the Digest, have considered the same and recommend its passage.

BRUTON, *Chairman.*

Mr. Poe made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 145, entitled an act to extend the the charter of a toll bridge for James Campbell, of Conway county, have considered the same and recommend its passage.

POE, *Chairman.*

Motions and resolutions were in order.

Mr. Jones of Lawrence offered the following resolution:

Resolved, That so much of the Governor's message as relates to compensating Samuel H. Hempstead for services rendered under the employment of the Governor, in defending the suit of the heirs of Nathan Cloyes, against the State of Arkansas, brought for a portion of the city of Little Rock, be referred to the committee on ways and means.

Which was adopted.

Mr. Logan offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the terminus of the branch railroad to the Mississippi river, specified and contemplated by the act of Congress, passed February 9th, 1853, granting lands to the State of Arkansas, for railroad purposes, etc., be, and the same is hereby established and fixed at Hopefield, on the Mississippi river, opposite the city of Memphis.

Which was read a first time.

Mr. Tuley moved to lay said resolution on the table.

Mr. Wood called for the ayes and nays, which call was sustained and the roll called.

Those voting to lay the resolution on the table, are

Messrs. Allen, Beck, Bruton, Edmondson, Gordon, Hill, Jacoway, Jones of Desha, Jones of Lawrence, Leslie, Macon, Matthews‘ Miller, Montgomery, Neale, Norsworthy, Patterson, Pettigrew, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow, Tuley, Watson and Mr. Speaker—28.

Those voting in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Bishop, Brown, Bunch, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Ederington, Flippin, Gould, Gregg, Guice, Haggin, Harris, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Logan, Morton, Moulden, Newton, Nunn, Poe, Powel, Smithson, Wade, Whinery, Wilson, Williams, Witt and Wood—39.

So the resolution was not laid on the table.

Mr. Logan moved to suspend the rules so that said resolution might be read a second time.

Which motion was lost.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your honorable body, that the Senate have assented to House bill No. 147, entitled "an act to enclose gin houses in Phillips county, and for other purposes."

The Senate have refused to assent to House bill No. 20, entitled "an act to amend the law in regard to runaway slaves."

Both of which are herewith returned.

The Senate have passed Senate bill No. 50, entitled "an act to authorize a review of so much of the Springfield and Fulton highway as passes through the county of Madison."

Also, Senate bill No. 55, to be entitled "an act to suspend proceedings under the swamp land laws of this State."

The Senate have also adopted a joint resolution raising a joint committee to act with such committee as may be appointed on the part of the House, to enquire into the proposition made by Thomas Peters to the board of swamp land commissioners, and reported to be accepted by them, and all matters done and performed by said commissioners, and that said joint committee have power to send for persons and papers, and to obtain all information in relation to swamp lands, etc.

Which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Moulden offered the following resolution:

Resolved, That whereas there is as much business on the clerk's table as can be disposed of in several days, and as new matter accumulates daily by a few members granting leave for their introduction.

Resolved therefore, That no new bill or other original matter, shall be introduced into the House until all business on the clerks' table shall be disposed of, unless it is by a majority of the House granting leave by a direct vote; *Provided*, That nothing in this resolution shall apply to the introduction of any bill or other matter emanating from any committee of this House.

Which, on motion of Mr. Miller, was laid on the table.

Mr. Matthews offered the following resolution:

Resolved, That this House hold evening sessions, and that the clerks be allowed to employ additional aid if they need it.

Mr. Williams moved to lay the resolution on the table.

Mr. Redmond called for the ayes and nays, which call was sustained and the roll called.

Those voting to lay the resolution on the table, are

Messrs. Allen, Desha, Edmondson, Guice, Haggin, Hockersmith, Holmes, Hunter, Jones of Desha, Jones of Lawrence, Logan, Miller, Montgomery, Morton, Neale, Norsworthy, Nunn, Primm, Ramsey, Rector, Smithson, Stillwell, Stringfellow, Tuley and Williams—25.

Those voting in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Beck, Bishop, Brown, Bruton, Bunch, Butts, Byrne, Calvert, Cannon, Douglas, Ederington, Flippin, Gordon, Gould, Gregg, Harris, Hill, Jacoway, Johnson, Jones of Conway, Macon, Matthews, Moulden, Newton, Patterson, Pettigrew, Poe, Powel, Puryear, Redmond, Rice, Wade, Watson, Whinery, Wilson, Witt, Wood and Mr. Speaker—42.

The question being then on the adoption of the resolution, it was decided in the negative.

Mr. Redmond offered the following resolution:

Resolved, That hereafter no motion to adjourn shall be entertained till the hour of one o'clock, P. M.

Mr. Edmondson offered the following preamble and resolution:

Whereas, A monthly horse mail route has been established by an act of Congress, and proposals for carrying the mail on said route between Fort Smith, Arkansas, and Donna Anna, New Mexico, was invited by the Postmaster General at the last mail letting; and that whereas, the Postmaster General considered the bid offered for carrying the mail on said route too high, and therefore rejected said bid, which proposed to supply the following intermediate post offices on said route, to wit: Choctaw Agency, Perryville, Boggy Depot, Fort Washita, Preston, Fort Belknap, and the fort recently established on the head waters of the Colorado river, in Texas, and thence to Donna Anna, on the Rio Grand, in New Mexico.

And whereas, Arkansas is deeply interested in having carried into effect the act of Congress aforesaid; therefore,

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed and our Representatives in Congress be requested to enquire into the expediency and practicability of having the requirements of the act of Congress before mentioned carried into effect by the Postmaster General, and that he be requested to invite bids for carrying a monthly horse mail from Fort Smith by Choctaw Agency, Perryville, Boggy Depot, Fort Washita, Preston, Fort Belknap and Post Oak Creek, on the head waters of the Colorado river, in the State of Texas, and thence west to Donna Anna, in New Mexico.

Resolved, That the Secretary of State be requested to furnish each of our Senators and Representatives in Congress with a copy of the foregoing resolution.

Which was read a first time.

On motion of Mr. Edmonson, the rules were suspended, the resolution read a second and third time and adopted.

Mr. Logan offered the following resolution:

Resolved, That the clerk of this House be respectfully requested to furnish each member of this body with a pen-knife.

Mr. Puryear moved to lay said resolution on the table.

Which was lost.

Mr. Jones of Desha moved the adoption of said resolution.

Mr. Puryear called for the ayes and nays, which being sustained the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Beall, Butts, Byrne, Cannon, Edmondson, Ederington, Gregg, Guice, Haggin, Harris, Hill, Holmes, Hunter, Jones of Conway, Jones of Desha, Logan, Miller, Morton, Moulden, Norsworthy, Poe, Powel, Primm, Ramsey, Smithson, Stillwell, Stringfellow, Tuley, Wade and Wilson—31.

Those voting in the negative, are

Messrs. Austell, Baxter, Beck, Bishop, Brown, Bruton, Bunch, Calvert, Desha, Douglas, Flippin, Gordon, Gould, Hockersmith, Jacoway, Johnson, Jones of Lawrence, Macon, Matthews, Montgomery, Neale, Newton, Nunn, Patterson, Pettigrew, Puryear, Rector, Redmond, Rice, Watson, Williams, Whinery, Witt, Wood and Mr. Speaker—35.

So said resolution was lost.

Mr. Stillwell introduced a bill to be entitled "an act concerning nuisances and slaughtering."

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Hill introduced a bill, to be entitled "an act to change the time of holding the circuit court of Perry county."

Which was read a first time.

On motion of Mr. Hill, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Hill, Williams, Gordon, Bruton, Jacoway, and Hockersmith.

Mr. Rector introduced a bill, entitled "an act to change the mode of assessing property for taxation in this State."

Which was read a first time.

On motion of Mr. Rector, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Mr. Patterson introduced a bill, entitled "an act to prevent the institution of suits against the State of Arkansas, and to define the effect of judgments against the State."

Which was read a first time.

On motion of Mr. Patterson, the rules were suspended, the bill read a second time, and

On motion of Mr. Johnson, referred to the committee on the judiciary.

Mr. Byrne introduced a bill, to be entitled "an act to amend chapter 80 of the Digest."

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Williams introduced a bill, entitled "an act to amend an act entitled an act to amend the revenue laws of this State, approved 1st January, 1853, and to amend in part chapter 139 of the Digest."

Which was read a first time.

On motion of Mr. Williams, the rules were suspended, the bill read a second time, and

On motion of Mr. Johnson, referred to the committee on ways and means.

On motion of Mr. Brown, the orders of the day were taken up.

House bill No. 43, entitled "an act to suppress the empirical practice of medicine in this State," was taken up and read a third time.

Mr. Speaker offered to amend said bill by way of rider, as follows, to wit:

Be it further enacted, That in addition to the several boards provided for in the preceding sections, there shall be an additional board established at the town of Pine Bluff, with the same powers and privileges as provided by the other boards of physicians.

Which was read a first time.

On motion of Mr. Speaker, the rules were suspended, and the amendment read a second and third time.

Mr. Hill offered to amend by way of rider also, as follows, to wit:

Amend first section by adding the following: "And that no person shall hereafter be licensed or permitted to practice as aforesaid, who is in the habit of using intoxicating liquors as a beverage."

Which was read a first time.

Mr. Redmond moved to lay said last amendment on the table till the 4th July next.

Mr. Poe called for the ayes and nays, which call was sustained and the roll called.

Those members who voted in the affirmative, are

Messss. Allen, Austell, Barton, Baxter, Bunch, Byrne, Desha, Douglas, Edmondson, Gregg, Haggin, Harris, Hockersmith, Holmes, Hunter, Jones of Conway, Jones of Lawrence, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Neale, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Stillwell, Tuley, Wade, Whinery, Williams, Wilson and Mr. Speaker—43.

Those members voting in the negative, are

Messrs. Beall, Beck, Bishop, Brown, Bruton, Butts, Calvert, Cannon, Ederington, Flippin, Gordon, Guice, Hill, Jacoway, Johnson, Morton, Moulden, Smithson, Stringfellow, Witt and Wood—21.

So said last named amendment was laid on the table.

Mr. Baxter moved to amend said bill by way of rider, by inserting that "the election should take place biennially."

Mr. Hunter offered the following as a substitute to said amendment: Amend said bill by inserting in the 4th line, section 3, after the word "elected," the words "every four years," which was accepted by Mr. Baxter, and read a first time.

On motion of Mr. Baxter, the rules were suspended, and the amendment read a second and third time.

The question now being upon the passage of said bill, Mr. Wood called for the ayes and nays, which call being sustained the roll was called.

Those members who voted for the passage of said bill, are

Messrs. Allen, Austell, Barton, Baxter, Byrne, Cannon, Desha, Edmondson, Gordon, Hockersmith, Hunter, Jacoway, Jones of Conway, Jones of Desha, Macon, Matthews, Neale, Newton, Patterson, Poe, Powel, Puryear, Rector, Redmond, Rice, Stillwell, Stringfellow, Tuley, Wade, Williams, Witt and Mr. Speaker—32.

Those members who voted in the negative, are

Messrs. Beall, Beck, Bishop, Brown, Bruton, Bunch, Butts, Calvert, Douglas, Ederington, Flippin, Gould, Gregg, Guice, Haggin, Harris, Hill, Holmes, Johnson, Jones of Lawrence, Leslie, Logan, Miller, Montgomery, Morton, Moulden, Norsworthy, Nunn, Pettigrew, Primm, Ramsey, Smithson, Watson, Whinery, Wilson and Wood—36.

So the bill did not pass.

Mr. Puryear offered the following resolution:

Resolved, That this House hold evening sessions, as follows: On Mondays, Wednesdays and Fridays.

Which resolution, on motion of Mr. Miller, was laid on the table until the 4th July.

On motion of Mr. Moulden, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

TUESDAY, *Dec.* 12*th*, 1854.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday read and approved.

Mr. Baxter had leave to withdraw House bill No. 144, entitled "an act for the relief of John H. Byers."

Petitions from counties were in order.

Mr. Burgess presented the petition of sundry citizens of Lawrence ond Fulton counties, asking the passage of an act to attach a portion of the western end of Lawrence county to the county of Fulton.

Which, on motion of Mr. Nunn, was referred to the committee on county and county lines.

Mr. Wilson introduced (with a petition for the same) a bill, entitled "an act to incorporate the town of Elm Spring, in Washington county."

Which was read a first time.

On motion of Mr. Wilson, the rules were suspended, the bill read a second and third time and passed.

Mr. Edmondson introduced a bill, entitled "an act supplemental to an act providing more fully for the incorporation of the city of Fort Smith."

Which was read a first time.

On motion of Mr. Edmondson, the rules were saspended, the bill read a second and third time and passed.

Reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The committee on claims to whom was referred the accounts of A. George and John Robins, keepers of the jail and penitentiary, asking additional pay for excess of work done upon the wall of said penitentiary, and for other items therein set forth in the accounts, have considered the same and recommend that no further allowance be made, them.

JOHNSON, *Ch'n.*

Mr. Holmes made the following report:

Mr. Speaker:

The select committee to whom was referred House bill

No. 160, entitled "an act to incorporate the town of Princeton, in Dallas county," together with the petition of sundry citizens of said town, praying for such act of incorporation, have had the same under consideration. The majority of said committee have made the following amendments to said bill, to wit: Strike out the word "forever," in the 9th line of section 1st of said bill, and insert in lieu thereof the words "ninety-nine years," and in the 3d line of section 8, strike out the words "with perpetual succession," and insert in lieu thereof the words "ninety-nine years." The majority of the committee have instructed me to report the bill back and to recommend its passage as so amended.

HOLMES, *Chairman.*

Which report was adopted.

On motion of Mr. Holmes, the rules were suspended, the bill as amended read a third time and passed.

Mr. Byrne made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 176, entitled "an act to incorporate the town of Magnolia," have considered the same and recommend the passage of the bill with the following amendment: In section 1, strike out the word "perpetual," and after the word succession in said section insert "for the term of 99 years." BYRNE, *Chairman.*

Which report was adopted, and,

On motion of Mr. Byrne, the rules suspended, the bill, as amended, read a third time and passed.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have adopted a joint resolution proposing to go into an election of State Treasurer on Thursday next, at 11 o'clock. A. M., to which the concurrence of your honorable body is respectfully asked.

The Senate have assented to House bill No. 132, entitled "an act to make an appropriation to build an iron vault to hold the State revenue, and other deposits of the State."

Also, to House bill No. 179, entitled "an act to change the name of Louisa Brinkmire to that of Louisa Cornelia Hunt, and make her an heir of James T. Hunt.

Also, to House bill No. 191, entitled "an act to provide for the assignment of certificates of purchase of seminary lands."

All of which are herewith returned.

The Senate have passed Senate bill No. 27, entitled "an act to amend the laws of this State granting license for the retail of ardent spirits."

Also, Senate bill No. 47, entitled "an act to incorporate the Huntsville Masonic Institute."

Also, Senate bill No. 48, entitled "an act to amend the law in reference to costs in chancery cases."

Also, Senate bill No. 57, "entitled an act to incorporate the Van Buren Female Seminary."

Also, Senate bill No. 58, entitled "an act to incorporate the town of Des Arc, in Prairie county."

All of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS, *Sec'y Senate.*

Mr. Stillwell presented the petition of H. B. Allis, praying the Legislature to grant him an extension of time for the final completion, before forfeiture, of a certain character.

Which petition, on motion of Mr. Stillwell, was referred to the committee on memorials.

On motion of Mr. Jones of Lawrence, the message of the Governor, heretofore communicated to this House, concerning an act to incorporate the Perkins Institute, in Lawrence county, was taken up, and

Mr. Jones of Lawrence, introduced a bill to be entitled "an act supplementary to an act entitled an act to incorporate the Perkins Institute, in the town of Smithville, Lawrence county."

Which bill was read a first time.

On motion of Mr. Jones of Lawrence, the rules were suspended, the bill read a second and third time, and passed.

Mr. Baxter introduced House bill No. 205, to be entitled "an act for the relief of John H. Byers."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time and referred to the committee on claims.

Mr. Beall introduced House bill No. 206, to be entitled "an act for the benefit of R. L. Pegues, late State printer."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended and the bill read a second time.

Mr. Tuley moved to commit said bill to the committee on claims.

Which motion was lost.

On motion of Mr. Johnson, the rules were further suspended and the bill read a third time.

The question now being upon the passage of said bill, Mr. Miller called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Gordon, Gould, Guice, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Lawrence, Leslie, Macon, Matthews, Montgomery, Morton, Moulden, Neale, Nunn, Patterson, Pettigrew, Primm, Puryear, Rector, Redmond, Rice, Stillwell, Wade, Watson, Whinery, Wilson, Witt, Wood and Mr. Speaker—55.

Those members who voted in the negative, are

Messrs. Flippin, Gregg, Haggin, Miller, Newton, Poe, Powel, Smithson, Tuley and Williams—11.

So said bill passed.

Mr. Jones of Desha made the following report:

Mr. Speaker:

The select committee to whom was re-committed House bill No. 51, entitled "an act to authorize Marcus F. Johnson to make a cut-off at Bell Point, on the Mississippi river, in Chicot county," together with additional petitions and memorials, have had the same under due consideration, and have instructed me to report the same back to the House, and recommend the rejection of the bill. JONES of Desha, *Chairman.*

Which report was, on motion, adopted, and the bill rejected.

Mr. Neale introduced a bill entitled "an act for the relief of Marcus F. Johnson."

Which was read a first time.

On motion of Mr. Neale, the rules were suspended, the bill read a second time, and

On motion of Mr. Puryear, referred to the committee on swamp lands.

Mr. Baxter moved to take up House bill No. 91.

Which motion was lost.

Mr. Gordon introduced a bill, entitled "an act to grant a charter to Benjamin F. Shewmake to build a toll-bridge across Point Remove, in Conway county."

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended; the bill read a second time, and

On motion of Mr. Bruton, referred to a select committee, consisting of Messrs. Bruton, Gordon, Jones of Conway, Gregg and Butts.

Mr. Rector presented the memorial of sundry citizens of Pulaski county, asking the passage of a special act, exempting from taxation certain churches and lots, which

On motion of Mr. Rector, was referred to the committee on memorials.

Mr. Calvert moved to take up House bill No. 121.

Which motion was lost.

Mr. Gould introduced House bill No. 208, entitled "an act for the relief of Wade Griffin."

Which was read a first time.

On motion of Mr. Gould, the rules were suspended, the bill read a second time, and

On motion of Mr. Johnson, referred to the committee on the judiciary.

Mr. Jones of Conway introduced bill No. 209, entitled "an act to authorize the common school commissioner of Conway county to dispose of the sixteenth section in township seven north, of range 15 west."

Which was read a first time.

On motion of Mr. Jones of Conway, the rules were suspended, the bill read a second and third time and passed.

Mr. Butts introduced bill No. 210, entitled "an act to repeal a part of the first section of an act supplemental to an act to incorporate the Clarksville Institute."

Which was read a first time.

On motion of Mr. Butts, the rules were suspended, the bill read a second and third time and passed.

Mr. Macon introduced bill No. 211, entitled "an act to regulate the sale of spirituous and vinous liquors in the county of Phillips, in the State of Arkansas."

Which was read a first time.

On motion of Mr. Macon, the rules were suspended and the bill read a second time.

Mr. Wade moved to amend by inserting "Ouachita county."

Which was agreed to.

Mr. Wade moved to amend further by inserting "Taylor township, in the county of Columbia."

Mr. Wood called for the ayes and nays, which call was sustained and the roll called.

Those voting in the affirmative, are

Messrs. Allen, Austell, Barton, Beck, Bishop, Brown, Bruton, Burgess, Byrne, Calvert, Cannon, Edmondson, Gordon, Gould, Gregg, Guice, Haggin, Hill, Hockersmith, Jacoway, Johnson, Jones of Conway, Leslie, Logan, Macon, Matthews, Miller, Morton, Moulden, Neale, Newton, Norsworthy, Patterson, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Stillwell, Wade, Watson, Whinery, Wilson, Witt, Wood and Mr. Speaker—48.

Those voting in the negative, are

Messrs. Bunch, Butts, Douglas, Ederington, Harris, Jones of Lawrence, Nunn, Poe and Tuley—9.

So said amendment was adopted.

Mr. Johnson moved to amend said bill by striking out the word "imprisonment."

Which amendment, on motion of Mr. Gregg, was laid on the table.

Mr. Hockersmith moved to amend the bill by inserting "the county of Saline."

Which was adopted, and the bill, as amended, read a third time and passed.

On motion of Mr. Desha, Senate bill No. 27, entitled "an act to amend the laws of this State granting a license for the retail of ardent spirits," was taken up and read a first time.

On motion of Mr. Desha, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Tuley moved to adjourn until to-morrow morning, nine o'clock.

Mr. Wood called for the ayes and nays, which call being sustained, the roll was called.

Those voting in the affirmative, are

Messrs. Edmondson, Guice, Jones of Desha, Miller, Neale, Poe, Rector, Tuley, Whinery and Mr. Speaker—10.

Those voting in the negative, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Ederington, Flippin, Gordon, Gould, Gregg, Haggin, Harris, Hill, Hockersmith, Jacoway, Johnson, Jones of Conway, Jones of Lawrence, Leslie, Logan, Macon, Matthews, Montgomery, Morton, Moulden, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Powel, Primm, Puryear, Ramsey, Redmond, Rice, Smithson, Stillwell, Wade, Watson, Williams, Wilson, Witt and Wood—56.

So the motion to adjourn was lost.

On motion of Mr. Redmond, the rules were suspended, House bill No. 150, entitled "an act to prevent slaves from carrying arms, in Monroe and other counties," was taken up, read a third time and passed.

On motion, the House adjourned until to-morrow morning, nine o'clock.

SAMUEL MITCHELL,
Speaker Ho. Representatives.

WEDNESDAY, *Dec.* 13*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

Yesterday's journal was read and approved.

On motion of Mr. Whinery, the morning business was dispensed with, and Senate messages taken up.

Senate bill No. 7, entitled "an act to incorporate the town of Dardanelle, in Yell county," was taken up, and

On motion of Mr. Jacoway, laid on the table for the present.

Senate bill No. 22, entitled "an act declaring a portion of King's river, in Madison county, a navigable stream," was taken up and read a first time.

On motion of Mr. Johnson, the rules were suspended, the bill read a second time, and

On motion of Mr. Wood, referred to a select committee, consisting of Messrs. Wood, Johnson and Haggin.

Senate bill No. 8, entitled "an act to authorize the taking of depositions in the Indian country," was taken up, read a third time and passed.

Senate bill No. 31, entitled "an act to restrict the burning of woods in certain counties," was taken up and read a first time.

On motion of Mr. Wilson, the rules were suspended, and the bill read a second time.

Mr. Stringfellow moved to amend said bill by inserting the county of Montgomery.

Mr. Logan, by inserting Scott county.

" Beck, by inserting Izard county.

" Jones of Lawrence, by inserting Lawrence county.

On motion of Mr. Flippin, the bill and amendments were referred to a select committee, consisting of Messrs. Flippin, Leslie and Witt.

Senate bill No. 19, entitled "an act to amend in part the 153d chapter of the Digest, in relation to the police regulations of slaves," was taken up and read a first time.

On motion of Mr. Johnson, the rules were suspended and the bill read a second time.

Mr. Neale moved to amend said bill by exempting Chicot county from its operations.

Mr. Wood called for the ayes and nays on the adoption of said amendment.

Those voting in the affirmative, are

Messrs. Allen, Austell, Beck, Burgess, Desha, Douglas, Edmondson, Ederington, Flippin, Gould, Guice, Haggin, Harris, Hill, Holmes, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Lawrence, Leslie, Logan, Macon, Miller, Montgomery, Neale, Nunn, Patterson, Poe, Primm, Puryear, Ramsey, Redmond, Rice, Stillwell, Stringfellow, Tuley, Wade, Whinery, Wood and Mr. Speaker—41.

Those voting in the negative, are

Messrs. Barton, Baxter, Beall, Bishop, Brown, Bunch, Bruton, Butts, Byrne, Cannon, Gould, Gregg, Hockersmith, Hunter, Matthews, Moulden, Newton, Norsworthy, Pettigrew, Powel, Smithson, Watson and Witt—23.

So said amendment was adopted.

Mr. Rice moved to amend the bill by inserting "not longer than one month."

Which was adopted.

Mr. Holmes moved to amend by striking out the first section of the bill.

Mr. Barton moved to lay the amendment on the table.

Mr. Holmes called for the yeas and nays, which call was sustained and the roll called.

Those voting for the motion to lay on the table, are

Messrs. Austell, Barton, Baxter, Brown, Bunch, Burgess, Calvert, Edmondson, Flippin, Gordon, Haggin, Harris, Hill, Jacoway, Jones of Conway, Jones of Lawrence, Macon, Matthews, Newton, Patterson, Powel, Puryear, Redmond, Rice, Smithson, Stillwell, Tuley, Wilson, Witt, Wood and Mr. Speaker—31.

Those voting in the negative, are

Messrs. Allen, Beck, Bishop, Bruton, Byrne, Cannon, Desha, Douglas, Ederington, Gould, Gregg, Guice, Hockersmith, Holmes, Hunter, Johnson, Jones of Desha, Leslie, Logan, Miller, Montgomery, Moulden, Neale, Nunn, Pettigrew, Poe, Primm, Ramsey, Rector, Stringfellow, Wade, Watson, Whinery and Williams—34.

So the amendment was not laid on the table.

Mr. Holmes then moved the adoption of his amendment.

Which motion was lost.

On motion of Mr. Wood, the bill and amendments was then referred to the committee on the judiciary.

Senate bill 14, entitled "an act to restrain the circulation of change tickets," was taken up and read a first time.

On motion of Mr. Wilson, the rules were suspended, the bill read a second time, and

On motion of Mr. Bruton, referred to the committee on the judiciary.

Senate joint resolution instructing the Secretary of State to transmit certain copies of memorials, etc., to our delegation in Congress, was taken up, read a first time, and

On motion of Mr. Moulden, the rules were suspended, the resolution read a second and third time and concurred in.

Senate bill 54, entitled an act for the confirmation of the settlements of Thomas L. Milner and others, as administrators, was taken up and read a first time.

On motion of Mr. Powel, the rules were suspended, the bill read a second time, and

On motion of Mr. Johnson, referred to the committee on the judiciary.

Senate joint resolution, directing the Secretary of State to cause certain laws to be printed with the acts of the present legislature, was taken up and read a first time.

On motion of Mr. Wilson, the rules were suspended, the resolution read a second time, and

On motion of Mr. Montgomery, referred to the committee on printing.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have concurred in House joint resolution to suspend the action of the board of swamp land commissioners, save only to receive and pay for work done, etc., until further legislative action.

The Senate have assented to House bill 182, entitled an act for the cancellation of notes executed to the State of Arkansas, for unconfirmed State lands.

Also, to House bill 173, entitled an act to legalize the sale of the 16th section, in township 18 north, of range 2 west, in Lawrence county.

Also, to House bill No. 172, entitled an act to incorporate the Water Witch Fire Company, in Helena.

All of which are herewith returned.

The Senate have passed a bill, entitled an act to regulate the compensation of the land attorney and state collector.

Which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS,
Secretary Senate.

Senate bill No. 41, entitled an act to authorize John Srum to sell certain land, was taken up and read a first time.

On motion of Mr. Austell, the rules were suspended and the bill read a second time.

Mr. Patterson offered to amend said bill as follows, to wit: "That Samuel McCurdy is hereby autorized and empowered to sell and convey by deed, to any purchaser, at private sale or public auction, the northwest quarter of section 7, in township 5 north, of range 3 east, the title to which is now vested in Henry I. McCurdy, minor son of the said Samuel M. McCurdy, to exercise the power herein conferred, until he has executed bond with security, as provided for by law, for the faithful performance of his trust, as the special guardian of the said Henry I. McCurdy.

Be it further enacted, That this act take effect and be in force from and after its passage.

Which amendment was read a first time.

On motion of Mr. Patterson, the rules were suspended, the amendment read a second time and the bill and amendment, on motion of Mr. Johnson, was referred to the committee on the judiciary.

Senate bill No. 30, to be entitled an act to authorize grocery keepers and retailers of ardent spirits, to collect their debts, as other tradesmen, was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time and referred to the committee on public printing.

Senate bill No. 33, to be entitled an act to prohibit the playing certain games, and for other purposes, was taken up and read a first time.

On motion of Mr. Powel, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Senate bill No. 38, to be entitled an act to authorize the counties to subscribe the internal improvement fund, and take stock in railroads, was taken up and read a first time.

On motion of Mr. Guice, the rules were suspended and the bill read a second time.

Mr. Guice moved to amend said bill in section second by striking out the words "two-thirds" and inserting "a majority of the justices of the peace present."

Which amendment was lost, and the bill on motion of Mr. Wood, referred to the committee on internal improvements.

Senate bill No. 35, entitled an act to authorize the issuance of patents, to assignees of purchasers of swamp and overflowed lands, was taken up and read a first time.

On motion of Mr. Powel, the rules were suspended, the bill read a second time, and

On motion of Mr. Wilson, referred to the committee on swamp and overflowed lands.

Senate bill No. 78, entitled an act to increase the compensation of jurors in the counties of Prairie, Conway, Green, Crawford, Desha, Phillips, Montgomery, Fulton, Scott, Ashley, Dallas, Poinsett, Union, Sebastian, Arkansas, Pike and Hempstead, was taken up, and the amendments thereto, offered by the Senate, read a first time.

On motion of Mr. Williams, the rules were suspended, the amendments read a second and third time and concurred in.

Senate bill No. 43, entitled an act supplementary to an act to regulate the landed interest of this State, was taken up and read a first time.

Mr. Wilson moved a suspension of the rules, that the bill might be read a second time.

Which motion failed.

House bill No. 53, entitled an act imposing additional duties upon the county treasurers of Union and St. Frances counties, was taken up and Senate's amendments thereto read a first time.

On motion of Mr. Powel, the rules were suspended, said amendments read a second and third time and concurred in.

Senate bill No. 32, entitled an act to amend the 85th chapter of the Digest, under the head of enclosures, was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Senate bill No 49, entitled an act for the relief of William A. Neely, of Independence county, as guardian, and to authorize him to sell certain lands, situated in Pointsett county, was taken up and read a first time.

On motion of Mr Johnson, the rules were suspended, the bill read a second time, and

On motion of Mr. Puryear, referred to the committee on the judiciary.

Senate bill No. 44, entitled an act to incorporate Crawford Institute, was taken up and read a third time.

Mr. Morton offered to amend said bill, by way of rider, as follows, to-wit:

Sec. 10. *Be it further enacted*, That all the property devoted to educational purposes, connected with the Crawford Institute, be, and the same is hereby exempted from taxation; *Provided*, That the amount hereby exempted, shall not exceed twenty-five thousand dollars.

Which amendment was read a first time.

On motion of Mr. Morton, the rules were suspended, the amendment read a second time, and

On motion of Mr. Wood, laid on the table.

The question now being on the passage of the bill, it was decided in the affirmative.

Senate resolution proposing to go into the election of chief justice of the supreme court, on Friday the 15th inst., was taken up.

Mr. Wilson moved to amend said resolution by striking out the 15th and inserting the 28th inst.

Which was agreed to and the resolution as amended concurred in.

Senate bill 9, entitled an act to repeal all laws inflicting stripes upon white persons as a punishment, was taken up, read a third time and passed.

Senate bill 54, entitled an act to incorporate the town of Ozark, was taken up and read a first time.

On motion of Mr. Miller, the bill was laid on the table till the 4th of July next.

Mr. Tuley moved an adjournment.

Which was lost.

House bill 148, entitled an act to incorporate the town of Mt. Ida, was taken up, and Senate's amendment thereto concurred in.

Senate bill No. 55, entitled an act to suspend proceedings under the swamp land laws of this State, was taken up and read a first time.

On motion of Mr. Puryear, the bill was laid on the table indefinitely.

Mr. Holmes, from the committee on enrollments, reported as correctly enrolled, an act to provide for the assignment of certificates of purchase of seminary lands.

Mr. Jones of Desha, made the following report:

Mr. Speaker:

The committee on swamp lands, to whom was referred House bill No. 83, entitled an act to repeal an act to declare Plum Bayou navigable, have considered the same and recommend its passage.

JONES of Desha, *Chairman.*

On motion of Mr. Holmes, the House adjourned till to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

THURSDAY, *Dec.* 14*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

On motion of Mr. Gregg, the morning business was suspended and the Senate messages taken up.

Senate bill No. 50, entitled an act to authorize a review of so much of the Springfield and Fulton highway as passes through the county of Madison, was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and

On motion of Mr. Johnson, the rules were further suspended, the bill read a third time and passed.

Senate bill No. 48, entitled an act to amend the statute law in relation to costs in chancery cases, was taken up and read a first time.

On motion of Mr. Wilson, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Senate bill No. 57, entitled an act to incorporate Van Buren Female Seminary, was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time and referred to the committee on education.

Senate bill No. 47, entitled an act to incorporate the Huntsville Masonic Institute, was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and

On motion of Mr. Johnson, referred to a select committee, consisting of Messrs. Johnson, Wood and Moulden.

Senate resolution, proposing to go into the election of State Treasurer, on to-day, was taken up, and

On motion of Mr. Smithson, laid on the table for the present.

Senate bill No. 45, entitled an act to regulate the compensation of land attorney and State collector, was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Senate resolution in relation to the proposition of Thomas Peters, concerning swamp lands, was taken up and read a first time.

On motion of Mr. Powel, the resolution was laid on the table for the present.

Senate bill No. 58, entitled an act to incorporate the town of Des Arc, in Prairie county, was taken up, and

On motion of Mr. Williams, read by caption the first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and

On motion of Mr. Williams, referred to a select committee, consisting of Messrs. Williams, Tuley and Whinery.

Mr. Smithson had leave to make the following report:

Mr. Speaker:

The select committee to whom was referred a resolution requiring said committee to ascertain the number of square miles in each county in this State, have considered the same, and through the aid of Mr. Geo. A. Worthen, they have been enabled to submit the accompanying statement, and ask to be discharged from a further consideration of said resolution.

SMITHSON, *Chairman.*

List of the counties of Arkansas, with the contents of each in square miles:

Arkansas,	1,215
Ashley,	874
Benton,	926
Bradley,	960
Carroll,	1,061
Chicot,	919
Calhoun,	644
Clark,	865
Columbia,	919
Crawford,	586
Conway,	1,060
Crittenden,	1,031
Dallas,	833
Desha,	908
Drew,	920
Franklin,	771
Fulton,	867
Green,	1,067
Hempstead,	1,089
Hot Spring,	978
Izard,	968
Independence,	1,025
Jackson,	1,038
Jefferson,	1,260
Johnson,	871
Lafayette,	1,194
Lawrence,	1,419
Madison,	1,044
Marion,	815
Monroe,	1,011
Mississippi,	1,258
Montgomery,	1,078
Newton,	847
Ouachita,	989
Perry,	585
Phillips,	847
Pike,	568
Pope,	860
Poinsett,	1,350

Polk,	1,162
Prairie,	1,080
Pulaski,	1,111
Randolph,	859
Scott,	876
Searcy,	847
Sebastian,	805
Saline,	960
St. Francis,	931
Sevier,	1,307
Union,	1,074
Van Buren,	1,242
Washington,	1,072
White,	1,135
Yell,	971

The following resolution was offered with the above report:

Resolved, That the sum of twenty-five dollars be, and the same is hereby appropriated to pay George A. Worthen, for making a mathematical calculation of all the counties in this State.

Which resolution was adopted.

On motion of Mr. Powel, 500 copies of said above calculation, was ordered to be printed.

On motion of Mr. Redmond, the report was ordered to be laid on the table for the present.

On motion of Mr. Tuley, the vote taken yesterday, on Senate resolution to go into the election of chief justice of the supreme court, was reconsidered.

Mr. Williams proposed to amend by striking out the "28th" inst., and insert the "21st," which was agreed to, and the resolution as amended concurred in.

Mr. Rector offered the following preamble and resolutions:

WHEREAS, His Excellency, Gov. Conway, on the   day of   1853, made a requisition upon the authorities of the State of Texas, for one Abner E. Thornton, indicted in the circuit court of Pulaski county, on a charge of forgery.

And whereas, Said requisition was put in the hands of Benjamin F. Danley, authorizing him to proceed to the State of Texas, aforesaid, and there demand and receive said Thornton, and him return to the proper authorities of the State of Arkansas, to be dealt with according to law.

And whereas, Said Benjamin F. Danley, in the prompt and faithful discharge of said duty, so proceeded to the city of Galveston, in said State of Texas, and there with the aid of the Executive authority, thereof, did cause to be arrested, the said A. E. Thornton, with the intent and purpose of restoring him to the proper authorities of the State of Arkansas.

And whereas, By the unwarrantable and illegal proceedings of the supreme court, or the judges thereof, of said State of Texas, the said A. E. Thornton, against the protestations of the said Benj. F. Danley, was set at liberty, and put in defiance of the authorities of the State of Arkansas, and in utter violation of that provision of the constitution of the United States, providing for the extradition of fugitives from justice; and in contemptuous disregard of every sentiment of respect and reciprocal good faith, which each sister of the confederacy ought to hold sacred in respect to the rights of the others.

And whereas, The said Benjamin F. Danley, though earnestly insisting on the retention and restitution of the said Abner E., was virtually overpowered, and prevented, by the authorities of Texas, from bringing to justice the criminal thus charged, indicted and demanded.

And whereas, By existing laws of this State, his Excellency was not authorized to compensate the said Danley for the laudable efforts made on his part for the apprehension of the said refugee; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That the sum of two hundred dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as a compensation to said Danley, for his efforts in behalf of the State, and in obedience to the mandates of his chief executive authority.

And the Auditor of Public Accounts is hereby directed, upon the application of said B. F. Danley, to issue a warrant upon the Treasurer for the amount above appropriated.

Which preamble and resolution was read a first time.

On motion of Mr. Wilson, the rules were suspend, the resolution read a second time, and referred to the committee on the judiciary, by motion of Mr. Johnson.

Mr. Puryear had leave to withdraw House bill No. 80.

House bill No. 44, entitled "an act for the arranging, assessing and collecting revenue in this State," was taken up, with the report recommending its rejection.

On motion of Mr. Wood, the report was adopted and the bill rejected.

Mr. Guice had leave to make the following report:

Mr. Speaker:

The joint committee on the penitentiary, to whom was referred that part of the Governor's message, which refers to the construction of suitable workshops within the penitentiary yard, and the repairing of the prison house, have considered the same, together with the accompanying proposition, made by Messrs. George & Robins, for the construction of said work shop, etc., etc., which is asked to be taken as part of this report, and instruct me to report the following bill, embodying substantially the propositions of said George & Robins, and recommend its passage.

GUICE, *Chairman*
on part of the House.

Said accompanying bill, to be entitled "an act to provide for the building of a workshop within the walls of the penitentiary, and for other purposes," was read a first time.

On motion or Mr. Wood, the rules were suspended, and the bill read a second time.

Mr. Johnson moved to refer said bill to the committee on public buildings—which motion was lost.

On motion of Mr. Gordon, the bill was then referred to the committee on ways and means.

On motion of Mr. Puryear, 200 copies of said bill and report was ordered to be printed.

Mr. Wood offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of making a change in the present mode of interchange of circuits by the circuit judges, and that they report by bill or otherwise.

Which was adopted.

Mr. Puryear offered the following resolution:

Resolved, That our Senators in Congress be instructed and our Representatives be requested to use all honorable exertions to procure the passage of "an act granting lands to the State of Arkansas, to aid in building a railroad from the Missouri line, through the counties of Green, Poinsett, St. Francis and Phillips, to Helena, on the Mississippi river." This road would give Missouri an outlet to the Mississippi river, at a point from which said river is navigable, at all seasons of the year: and the lands along the road are rich and productive, but remote from navigation. The early completion of said road would greatly promote the interest of the State.

Which was read a first time.

On motion of Mr. Puryear, the rules were suspended, the resolution read a second time, and,

On motion of Mr. Butts, referred to the committee on memorials.

House bill No. 64, to be entitled "an an act to secure the tax on all taxable lands," was taken up, and the report of the committee on ways and means recommending the rejection of said bill adopted, and the bill rejected.

On motion of Mr. Powel, the joint resolution of the House, appointing a committee, three of the House and two of the Senate, to inquire into the manner in which the laws for the reclamation of the swamp and overflowed lands in this State have been administered, was taken up, and the amendment offered by the Senate thereto, read a first and second time and concurred in.

Mr. Edmondson asked and obtained leave to withdraw from the clerk's table, House bill No. 63, entitled "an act in relation to swamp and overflowed lands."

The following message was received from the Senate by the hands of their secretary:

Mr. Speaker.

I am authorized to announce to your honorable body the concurrence of the Senate to House joint resolution, raising a committee of three of the House and two of the Senate, to investigate the manner in which the laws for the reclamation of swamp and overflowed lands have been administered for the last three years, and to inquire into a rumored contract with one Thomas Peters, etc., with an amendment thereto, to which the assent of your honorable body is respectfully asked.

The committee on the part of the Senate, are Messrs. Lemoyne, Harrison and Cain.

The Senate have passed a bill to be entitled "an act more fully to define and establish the line between the counties of Carroll and Madison."

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to House bill to be entitled "an act for the benefit of R. L. Pegues,"—which is herewith returned.

W. L. D. WILLIAMS,
Secretary Senate.

House bill No. 54, to be entitled "an act to amend section 3, chapter 17, of the Digest of the Statutes of Arkansas, and to make other and further amendments to the attachment law," was taken up, and, on motion of Mr. Desha, the report of the judiciary committee, recommending the rejection of the bill, was adopted.

House bill No. 46, to be entitled "an act for the benefit of actual settlers on lands forfeited to the State for non-payment of taxes," was taken up, read a third time and passed.

House bill No. 73, to be entitled "an act to prevent white persons from working on roads until they attain the age of eighteen years," was taken up, read a second time, and on motion of Mr. Wood, referred to the committee on internal improvements.

House bill No. 32, to be entitled "an act to amend sections 62 and 63, chapter 67, of the Digest of the Statutes of Arkansas," was taken up, read a third time, and passed.

Mr. Holmes asked and obtained leave to introduce House bill No. 213, to be entitled "an act amending the tax laws of this State."

Which was read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second time, and,

On motion of Mr. Moulden, referred to the committee on ways and means.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill to be entitled "an act supplemental to an act entitled an act to provide more fully for the incorporation of the city of Fort Smith."

Which is herewith returned.

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act for the benefit of R. L. Pegues," and instruct me to report the same correctly enrolled. HOLMES, *Chairman.*

Mr. Redmond, from the committee on ways and means, made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 155, entitled "an act to repeal an act to exempt a homestead from execution," have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, and recommend its rejection. REDMOND, *Chairman.*

Messrs. Barton, Bruton, Beck and Powel, from the same committee, made the following report:

Mr. Speaker:

The undersigned, a minority of the committee on ways and means, to whom was referred House bill No. 155, to be entitled "an act to repeal an act entitled an act to exempt a homestead from execution," most respectfully beg leave to dissent from the report of the majority of said committee, which majority have recommended that said bill be rejected. The minority recommend to the favorable consideration of the House, said House bill No. 155, entitled "an act to repeal an act to exempt a homestead from execution," and the minority of said committee recommend the passage of said repealing act.

BARTON,
BRUTON,
BECK,
POWEL.

Mr. Wood moved the adoption of the report submitted by the above minority committee.

Mr. Desha moved an adjournment—which was lost.

After considerable discussion upon the adoption of the above majority report, Mr. Miller moved an adjournment—which was lost.

On motion of Mr. Matthews, the House took a recess till 3 o'clock, p. m.

3 O'CLOCK, P. M.

The House convened.

On motion of Mr. Smithson, Messrs. Smithson, Harris and Ederington, were appointed as a committee to wait on the Rev. John Buchanan, and invite him to preach in this hall next Sabbath, at 3 o'clock.

Mr. Redmond offered the following resolution:

Resolved, That the Hon. John J. Pettus, former President of the Senate, and Governor of the State of Mississippi, be, and he is hereby tendered the privilege of a seat within the bar of the House of Representatives, during his stay in Little Rock.

Which was adopted.

The following communication was received from His Excellency, the Governor, by the hands of R. H. Johnson, Esq.

EXECUTIVE OFFICE,
Little Rock, Arkansas,
14th, Dec. 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

A copy of the "reports of the President and Chief Engineer on the Little Rock and Napoleon Railroad," and a copy of a communication of the president of the company, are herewith transmitted for the information of the House of Representatives.

The Executive also transmits a copy of a communication received from the Chief Engineer of the Mississippi, Ouachita and Red River Railroad Company, and also a copy of the "annual reports of the officers and committees of the Mississippi, Ouachita and Red River Railroad Company, made at the annual stockholders' meeting, at Camden, Arkansas, November 15th, 1854."

The reports and documents submitted by these two railroad companies contain information of public interest, and your consideration is respectfully requested to them, so that, in acting on the subject of railroads, you may fully understand the subject, and the importance of the two, and what has, thus far, been done by public spirited citizens towards the construction of each of the proposed railroads.

The constitution of the State of Arkansas declares that, "internal improvement shall be encouraged by the government of this State." When we have it in our power to comply with this injunction of the constitution, without taxing the people and without acting in bad faith, or in any manner violating an act of Congress, I present, whether there is not, under the constitution, an obligation resting on us to "encourage internal improvement."

ELIAS N. CONWAY.

R. H. Johnson, Esq., private secretary to His Excellency, the Governor, presented the following:

Mr. Speaker:

I am instructed by the Governor to report to the House of of Representatives of the General Assembly of the State of Arkansas, that on the 14th day of December, 1854, he approved and signed "an act to provide for the assignment of certificates of purchase of seminary lands."

"An act for the relief of Roof. Howell, late sheriff and collector of State and county revenue of Pope county."

"An act to change the name of Byron Green, to Byron Green Annier, and to constitute him a lawful heir of William Annier."

"An act to legalize the sale of certain school lands in the State of Arkansas."

"An act to change the name of Mary E. Robertson and others."

"An act for the benefit of George Hughes and others, of Arkansas."

"An act to increase the pay of grant and petit jurors, and the pay to jurors summoned before justices of the peace in Sevier county."

"An act to legalize the election of certain trustees of common schools in Prairie county."

"An act to incorporate the town of Grand Glaize, in the county of Jackson," and, also

"An act to change the time of holding the county and probate courts of Lafayette county."

R. H. JOHNSON,
Private Sec'y.

On motion of Mr. Wood, the House adjourned.

SAML. MITCHELL,
Speaker Ho. of Reps.

FRIDAY, *Dec.* 15*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Bruton.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Mr. Wade presented a petition from sundry citizens of Camden and vicinity, asking an extension of the bounds of the corporation of said city.

Mr. Hockersmith presented the petition of Wm. T. McClain and others, asking the passage of an act allowing him, the said McClain, to hawk and peddle free of license.

On motion of Mr. Hockersmith, the said petition was referred to a select committee, consisting of Messrs. Hockersmith, Stringfellow and Jones of Hot Spring.

Mr. Rice presented a memorial of sundry citizens of Arkansas, asking a donation of the lands reverting to the Mississippi branch of the Cairo and Fulton Railroad, to the president and directors of the Arkansas Midland Rail Road Company.

Which, on motion of Mr. Rice. was referred to the committee on internal improvements.

Reports from standing committees were in order.

Mr. Redmond made the following report:

Mr. Speaker:

The ommittee on ways and means, to whom was referred House bill No. 200, entitled "an act to amend the revenue laws of this State, approved 1st January, 1853, and to amend in part chapter 139 of the Digest," have considered the same and recommend its rejection.

The committee also recommend the rejection of House bill No. 197, entitled "an act to change the mode of assessing property for taxation in this State."

REDMOND, *Chairman.*

Mr. Newton made the following report:

Mr. Speaker:

The committee on county and county lines, to whom was referred "an act to define the line between the counties of Van Buren and Searcy," approved 12th January, 1853, have considered the same, and recommend the passage of the bill.

The committee recommend the rejection of the prayer of sundry citizens of Independence county, asking that townships 11, 12 and part of 13 be attached to Jackson county.

NEWTON, *Chairman.*

On motion of Mr. Desha, said last report of Mr. Newton was adopted, and the petition rejected.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to make an appropriation to build an iron vault to hold the State revenue and other deposits of the State."

"An act to change the name of Louisa Brinkmire, to that of Louisa Cornelia Hunt, and make her an heir of James T. Hunt."

"An act to enclose gin houses in Phillips county, and for other purposes."

"An act for the relief of the heirs of William P. Harris, deceased."

"An act for the relief of B. H. Smithson, late sheriff and collector of Washington county," and instruct me to report the same correctly enrolled.

HOLMES, *Chairman.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 208, entitled "an act for the relief of Wade Griffin," have considered the same, and recommend its rejection.

They have also considered House bill No. 87, entitled "an act to amend section 4, article 3, of chapter 51 of the Digest, under the head of gaming," and propose a substitute therefor, and recommend its adoption.

DESHA, *Chairman*

Which said last substitute was read a first time.

Mr. Desha further reported that the committee on the judiciary had considered the petition of James Thompson, together with the accompanying documents, and recommend the rejection of the same.

Which, on motion of Mr. Wood, was adopted, and the petition rejected.

Mr. Desha reported also, that the committee had considered House bill No. 195, entitled "an act concerning nuisances and slaughtering," and offered to amend the bill by striking out "one hundred," between the words "them" and "dollars," in the 4th and 5th line of section 2d of said bill, and inserting in lieu thereof, "twenty-five;" also strike out the word "six" in the sixth line of said section, and insert in lieu thereof, the words "thirty days," and as amended, recommend the passage of the bill.

DESHA, *Chairman.*

Mr. Desha also made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 158, entitled "an act to give the legal voters of each township, in this State, the power to control retail of vinous or spirituous liquors, within their respective townships;" also, House bill No. 154, entitled "an act to authorize the several counties, in this State, to suppress the retail traffic of vinous and spirituos liquors;" also, House bill No. 190, entitled "an act to regulate the retail of ardent spirits," have considered the same; and also Senate bill No. 27, entitled "an act to amend the laws of this State, granting license for the retail of ardent spirits," and have made the following amendment to said Senate bill No. 27, to wit: Strike out the words "retailing vinous or ardent spirits," between the words "for" and "without," in the last line of the fourth section of said bill, and insert in lieu thereof the words "keeping a grocery."

The majority of the committee recommend the passage of Senate bill, as amended, and the rejection of said above House bills.

DESHA, *Chairman.*

Mr. Douglas made the following minority report:

Mr. Speaker:

The undersigned beg leave to dissent from the report of the majority of the committee who have recommended the passage of Senate bill No. 27, for the reason that the passage of such a law will probably have the effect to disturb the public tranquility, without materially diminishing the evils resulting from the use of spirituous liquors; and further, there is a well founded belief in the community, that a settled determination exists in the minds of a portion of the citizens of this State to pass the "Maine liquor law," as it is commonly called, with all its objectionable features, as soon as they have power to do so. The passage, therefore, of such a bill as this, however mild it may appear, and whatever specious pretences to fairness it may set up, by proposing to leave the question of license or no license to the citizens of the different townships, will nevertheless be regarded as only a feeler of public sentiment, and a sure forerunner of other and more stringent laws.

Now, whether such laws as are here contemplated, may be considered by learned jurists as violating the provisions of the constitution or not, they will be considered by a large portion of the citizens of this State as an infringment upon their rights. The passage then of such a bill as this, will, in the opinion of the undersigned, most assuredly tend to embitter the feelings of one portion of the community against the other—a result which at any time, but especially in view of apparent approaching events, is greatly to be deprecated.

All of which is most respectfull submitted, with an humble request that said bill may be rejected.

M. DOUGLAS.

Mr. Speaker announced that reports from select committees were in order.

Mr. Bruton made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 207, to be entitled "an act to grant a charter to B. H. Shewmake, to build a toll-bridge in Conway county," have had the same under consideration, and have instructed me to report back to the House, with the following amendment: After the words "team of four horses," add "fifty cents;" "two horse," "twenty five cents;" and recommend the passage of the bill, as amended.

BRUTON, *Chairman.*

On motion of Mr. Gordon, the rules were suspended, said bill read a third time, as amended, and passed.

Mr. Flippin made the following report:

Mr. Speaker:

The select committee to whom was referred the petition and bill "to incorporate the town of Yellville, in the county of Marion," have had the same under consideration, and beg leave to report the same back to the House, and recommend the passage of the bill.

FLIPPIN, *Chairman.*

On motion of Mr. Flippin, the rules were suspended, said bill entitled "an act to incorporate the town of Yellville," was read a third time and passed.

Mr. Rector, from a select committee, made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 168, entitled "an act to repeal an act to incorporate the city of Clarksville," having considered the same, find that those praying a repeal of the act number 38, and those opposing the repeal number 32; but the committee find that those opposed to the repeal, though fewer in number, pay $70 of city tax, while those in favor of it only pay $17 78. Your committee entertain some doubt as to the constitutional right of the Legislature to pass a law repealing said act of incorporation. From the foregoing considerations, the committee instruct me to report the bill back to the House, and recommend that it do not pass.

RECTOR, *Chairman.*

Mr. Watson moved the adoption of said report.

Mr. Butts called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Austell, Barton, Baxter, Beall, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Flippin, Gordon, Gould, Guice, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Rector, Stillwell, Stringfellow, Tuley, Wade, Watson, Whinery, Wilson and Witt—57.

Those members who voted in the negative, are

Messrs. Butts, Ederington, Morton, Ramsey, Terry, Wood and Mr. Speaker—7.

So the report was adopted and the bill rejected.

Mr. Hill presented the supplemental report of the financial receiver of the bank of the State of Arkansas. [See appendix, marked letter "A"].

Mr. Puryear made the following report:

Mr. Speaker:

The committee on printing have examined the resolution requiring the secretary of State to have certain laws printed, and find that all the acts of the last Legislature were printed. We therefore recommend the rejection of said resolution.

PURYEAR, *Chairman.*

Which report, on motion of Mr. Barton, was adopted.

Mr. Smithson made the following report:

Mr. Speaker:

The committee who were appointed to invite the Rev. John Buchanan to preach in the Representative Hall, on Sunday next, at three o'clock, P. M., ask leave to report that we have waited on the Rev. Mr. Buchanan, and he imforms us that he will preach in the House of Representatives on Sunday next, at three o'clock, P. M.

SMITHSON, *Chairman.*

Which report was adopted.

Mr. Gould offered the following:

WAEREAS, It appears by the report of the select committee, that the county of Pike has an area of only 568 square miles, and the county of Sevier has 1,370 square miles, and the county of Hempstead has 1,023 square miles;

Therefore be it resolved, That the standing committee on county and county lines be required to inquire into the expediency of attaching a portion of the counties of Sevier and Hempstead to the county of Pike, and report by bill or otherwise.

Which, on motion of Mr. Pettigrew, was laid on the table till the 4th of July next.

Mr. Johnson offered the following:

Resolved, That when any member of this House, who shall ask leave of absence for any other member, he shall distinctly state for what cause.

Which, on motion of Mr. Tuley, was laid on the table till the 4th of July.

The following message was received from the Senate, by the hands of its secretary:

Mr. Speaker:

I am instructed to inform your honorable body that the

Senate have assented to House bill to be entitled "an act to compensate John C. Peay, sheriff of Pulaski county, for certain services;" a bill to be entitled "an act to attach certain citizens of Van Buren county to Pope;" a bill to be entitled "an act supplemental to 'an act to incorporate the Perkins Institute, in Lawrence county."

All of which is herewith returned.

The Senate have passed Senate bill No. 64, to be entitled "an act for the relief of Henry Shores and his wife Caroline, and for other purposes;" which is herewith transmitted for the assent of your honorable body, which is respectfully asked.

The Senate have assented to the amendment of the House to Senate joint resolution, proposing to go into an election for chief justice of Arkansas. W. L. D. WILLIAMS,
Sec'y of the Senate.

Mr. Edmondson introduced House bill No. 215, to be entitled "an act declaring Mill creek, in Sebastian county, a navigable stream and a public highway."

Which was read a first time.

On motion of Mr. Johnson, the rules were suspended, the bill read a second and third time and passed.

Mr. Terry introduced House bill No. 216, to be entitled "an act for the relief of Jacob G. Robbins, late sheriff of White county."

Which was read a first time.

On motion of Mr. Morton, the rules were suspended, the bill read a second time and referred to the committe on claims.

Mr. Stringfellow introduced House bill No. 217, to be entitled "an act to authorize the administrator of Robert D. Chaney, deceased, to convey certain real estate."

Which was read a first time.

On motion of Mr. Stringfellow, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

The following communication was received from the Governor, by the hands of R. H. Johnson, esq.:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representativer of the General Assembly of the State of Arkansas, that on the 14th day of December, 1854, he approved and signed "an act for the relief of R. L. Pegues, State printer for the State of Arkansas;" "and an act to incorporate the town of Paraclifta," and also "an act to incorporate the town of Hamburg in Ashley county, Arkansas." R. H. JOHNSON,
Private Secretary.

Mr. Barton introduced House bill No. 218, to be entitled "an act to legalize the sale of lots No. 9, 15 and 16, of the 16th section, township 7 north, range 7 east, of the 5th principal meridian, in the county of Crittenden."

Which was read a first time.

On motion of Mr. Barton, the rules were suspended, the bill read a second time, and

On motion of Mr. Redmond, referred to the committee on the judiciary.

Mr. Burgess introduced House bill No. 219, to be entitled "an act to change the time of holding the county and probate courts of Fulton county."

Which was read a first time.

On motion of Mr. Rector, the rules were suspended, the bill read a second and third time and passed.

Mr. Logan introduced House bill No. 220, to be entitled "an act to change the boundary line between the counties of Scott and Sebastian."

Which was read a first time.

Mr. Edmondson moved to lay said bill on the table until the 4th of July next.

Which motion was lost.

On motion of Mr. Logan, the rules were suspended, the bill read a second time, and

On motion of Mr. Wood, referred to the committee on counties and county lines.

Mr. Powel introduced a bill to be entitled "an act to exempt Union and Hempstead counties from the operation of an act entitled an act revising the common school system, in the State of Arkansas, approved 11th January, 1853, and for other purposes."

Which was read a first time.

On motion of Mr. Powel, the rules were suspended, the bill read a second time, and

On motion of Mr. Barton, referred to the committee on education.

On motion of Mr. Wood, Mr. Logan was added to the committee on counties and county lines.

Mr. Jernigin introduced House bill to be entitled "an act to authorize and require the clerks of the county and circuit courts of Polk county, to transcribe certain records of said county."

Which was read a first time.

On motion of Mr. Jernigin, the rules were suspended, the bill read a second and third time and passed.

Mr. Stillwell introduced House bill No. 224, to be entitled "an act to change the name of Susan Caroline White to Susan Caroline Dotter, and to constitute her a lawful heir of Marcus Dotter and Rachael J. Dotter, his wife."

On motion of Mr. Stillwell, the rules were suspended, the bill read a second and third time and passed.

Mr. Burgess introduced House bill No. 225, to be entitled "an act to call in the scrip of Fulton county."

Which was read a first time.

On motion of Mr. Moulden, the rules were suspended, the bill read a second time, and

On motion of Mr. Burgess, the rules were again suspended, the bill read a third time and passed.

Mr. Edmondson introduced House bill No. 226, to be entitled "an act to regulate the sale of section 16, in township 3 north, range 31 west, in Sebastian county."

Which was read a first time.

On motion of Mr. Edmondson, the rules were suspended, the bill read a second and third time and passed.

Mr. Watson introduced House bill No. 227, entitled "an act to change the time of holding the courts in the fourth judicial circuit."

Which was read a first time.

On motion of Mr. Watson, the rules were suspended, the bill read a second time, and

On motion of Mr. Johnson, referred to a select committee, consisting of Messrs. Brown, Logan, Miller, Watson, Ramsey, Haggin, Wood, Whinery, Edmondson and Gregg.

Mr. Jones of Hot Spring offered the following resolution:

Reoolved, That our Senators and Representatives in Congress be requested to use their best exertions to procure a weekly one horse mail route, beginning at Rockport, from thence to A. H. Henson's, in Hot Spring county, from thence to Montroy, in Dallas county."

Which was read a first time.

On motion of Mr. Jones of Hot Spring, the rules were suspended, the resolution read a second and third time and adopted.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to present for your honor's signature "an act to authorize the taking of depositions in the Indian country;" "an act repealing all laws inflicting stripes, as a punishment, upon white persons;" a resolution instructing the secretary of State to transmit authenticated copies of all memorials and resolutions adopted by the General Assembly, as soon as they receive the signatures of the presiding officer of each House.

W. L. D. WILLIAMS,
Sec'y Senate.

On motion Mr. Tuley, House bill No. 83, entitled "an act to repeal an act to declare Plum bayou navigable," was taken up, read a third time and passed.

On motion of Mr. Desha, House bill No. 61, entitled "an act to grant a charter to James H. Patterson and James F. Saffold, for the purpose of making a turnpike road across the Departee swamp, immediately back of the town of Grand Glaize, in Jackson county, and to erect a toll-gate on the same, and also to build a bridge across Departee creek, at the point where said turnpike road crosses the same," was taken up, and

On motion of Mr. Desha, the amendments of the committee on internal improvements reported to said bill adopted, the rules suspended, the bill, as amended, read a third time and passed.

On motion of Mr. Austell, House bill No. 121, entitled "an act to grant a charter to Joseph A. Lovett and Jared A. Barnes, to build a toll bridge, and keep a ferry across Languille river, in St. Francis county, Arkansas," was taken up, read a third time passed.

On motion of Mr. Baxter, House bill No. 91, was taken up, and the vote placing said bill on its third read, on motion of Mr. Wood, was reconsidered.

Mr. Montgomery offered the following amendment to said bill, to wit:

Amend section 4th by striking out all after the enacting clause, and insert the following:

"That the commissioner shall make a semi-annual dividend on the first Mondays of January and July, in each year, of any money he may have on hand, collected as interest arising from the school fund of said township, *pro rata* among all the free white inhabitants of said township, between the ages of five and twenty-one years, who have attended school during the six months next preceding the time of making said dividend, which *pro rata* shall be made according to the time each scholar living within said township has attended school, without regard to the price charged for tuition; *Provided*, That if there should be an excess of money in the hands of the commissioner after making such *pro rata* dividend, the commissioner shall loan out such excess at interest, until the next time for making such dividend; *Provided further*, That the teacher or teachers shall furnish the commissioner an abstract of the time each scholar living within the limits of said township has attended the school, which such teacher or teachers have taught, and shall also furnish said commissioner a certificate or certificates, signed by at least three of their patrons, certifying that such teacher or teachers are competent and qualified to teach the English branches of education, and also that they are of good moral character; *And provided further*, That the commissioner shall pay such *pro rata* dividend to the teacher or teachers the amount due each scholar.

Which amendment was read a first time.

On motion of Mr. Montgomery, the rules were suspended, the amendment read a second time, and the bill as amended read a third time and passed.

Mr. Butts introduced a bill, entitled "an act to incorporate Clarksville Female Institute, in Johnson county, Arkansas."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and

On motion of Mr. Butts, referred to the commitee on education.

On motion of Mr. Williams, the House adjourned until tomorrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

SATURDAY, *Dec.* 16*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Buchanan.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Mr. Leslie presented the report of the internal improvement commissioner of Searcy county, the reading of which was dispensed with, and

On motion of Mr. Leslie, referred to the committee on internal improvements.

Mr. Holmes presented the petition of sundry citizens of Dallas county, praying the present General Assembly to pass a law prohibiting the sale of spirituous and intoxicating liquors in any quantity whatever, except for medicinal, mechanical and sacramental purposes.

Which petition, on motion of Mr. Holmes, was referred to the committee on memorials.

Mr. Redmond presented the report of the internal improvement commissioner of Monroe county, which was,

On motion of Mr. Redmond, referred to the standing committee on internal improvements.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Wood made the following report:

Mr. Speaker:

The committee on memorials, to whom was referred the joint resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of an act of of Congress to grant lands to the State of Arkansas, to build a railroad from the Missouri line, through the counties of Green, Poinsett, St. Francis and Phillips to Helena, on the Mississippi river, have had the same under consideration, and have instructed me to report the same back and recommend its adoption.

The committee on memorials have also considered a memorial to the Congress of the United States, on the subject of a topographical survey of White river, and for other purposes, and deem it inexpedient to memorialize Congress on the subject, and therefore recommend its rejection.

The committee further recommend the rejection of the petition of sundry female citizens of Little Rock, praying the passage of an act exempting the church property of the several churches of said city from taxation, on the ground of the unconstitutionality of the same.

The committee deem it inexpedient to take action on the several petitions, one from the county of Ouachita, one from Fort Smith, and one also from Polk county, praying the passage of a prohibitory liquor law, for the reason that there are several bills on said subject before the House.

WOOD, *Chairman.*

Mr. Ramsey made the following report:

Mr. Speaker:

The committee on public buildings, to whom was referred the resolution enquiring into the expediency of removing the seat of government from Little Rock to some more eligible place within the State, would most respectfully report, under a full sense of the importance of the subject, submitted to their consideration as well as with reference to the interests of the State, in removing the capitol from the city of Little Rock, have spared no trouble in collecting information from such sources as appeared to them best entitled to their confidence and respect, with a view to ascertain, if possible, an accurate knowledge upon which to form a correct judgment in the premises.

The information we have received from individuals as well as from a personal examination of the capitol, induce us to believe that the capital has become dilapidated, and in many instances unfit for the reception of the members of the General Assembly; besides this, the office of the Governor, Secretary of State, Auditor, Treasurer, and in fact, all the offices and court rooms are too small for convenience, except the Supreme Court room; which is the only decent room about the capitol.

Your committee are fully aware of the trouble and great expense that would accrue to the State in removing the capitol from Little Rock, but taking into consideration the large amount of money it would take to repair that edifice of soft brick and mortar, it seems to your committee that the rebuilding of a State House is inevitable in a very short time.

In view of these facts, the committee are of the opinion that it will be expedient at some future day to remove the seat of government from Little Rock to some more eligible point in said State.

Your committee would most respectfully recommend the appointment of a commissioner, whose duty it shall be to correspond with the citizens ———, and receive donations of land and money of said ——— citizens, for the purpose of erecting suitable buildings for the accommodation of the members of the General Assembly, together with suitable offices, court rooms and a mansion for the Executive, and that it be made the duty of said commissioner to report his proceedings to the next General Assembly. All of which is most respectfully submitted.

RAMSEY, *of the majority*
of the committee.

Mr. Smithson made the following minority report:

Mr. Speaker:

The committee on public buildings, to whom was referred the resolution enquiring into the expediency of removing the seat of government from Little Rock to some more eligible place within this State, would most respectfully report that they have considered the same, and a minority of the committee instruct me to report that it is inexpedient to remove the seat of government from the city of Little Rock.

SMITHSON, *Chairman*
minority committee.

On motion of Mr. Bruton, said reports were laid on the table for the present.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 213, entitled "an act amending the tax laws of this State," have considered the same and recommend its passage.

REDMOND, *Chairman.*

Mr. Rector made the following report:

Mr. Speaker:

The committee on internal improvements, to whom was referred House bill No. 73, entitled "an act to prevent white persons from working on roads until they attain the age of eighteen years," have considered the same and recommend its rejection.

RECTOR, *Chairman.*

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to increase the compensation of jurors in the counties of Prairie, Conway, Green, Crawford, Desha, Phillips, Montgomery, Fulton, Scott, Ashley, Dallas, Poinsett, Union, Sebastian, Arkansas, Pike and Hempstead."

A resolution prohibiting the present board of swamp land commissioners from letting any more levy work, drains or ditches, or exercising any control of any matter pertaining to the swamp lands, further than to receive and pay for work already contracted for in the manner prescribed by law.

"An act supplemental to an act entitled an act to provide more fully for the incorporation of the city of Fort Smith."

"An act to legalize the sale of section 16, in township 18 north, range 2 west, in the county of Lawrence."

"An act for the cancellation of notes executed to the State of Arkansas, for unconfirmed state lands."

"An act to incorporate the Water Witch Fire Company, in the city of Helena."

And "an act to incorporate the town of Mt. Ida, in the county of Montgomery," and instruct me to report the same correctly enrolled.

HOLMES, *Chairman.*

Mr. Johnson made the following report:

Mr. Speaker:

The select committee to whom was referred Senate bill No. 47, entitled "an act to incorporate the Huntsville Masonic Institute," have considered the same, and have amended said bill by striking out of section two all that part which exempts property from taxation, and recommend the passage of the bill as amended.

JOHNSON, *Chairman.*

On motion of Mr. Wood, said report was adopted, the rules suspended, the bill as amended read a third time and passed.

Mr. Brown made the following report:

Mr. Speaker:

The select committee to whom was referred the bill, to change the time of holding the circuit courts in the 4th judicial circuit have considered the same and recommend its passage.

BROWN, *Chairman.*

Mr. Rector offered the following resolution:

Resolved, That the committee on public buildings be requested to enquire as to the necessity of making immediate repairs on the roof or covering of the hall of the House of Representatives, with the view of giving more security to the craniums of the members.

Which was adopted.

Mr. Beck offered the following preamble and resolution:

WHEREAS, There is great complaint made by many of the citizens of this State, in regard to the derangement of many of the mail routes, and the want of mail facilities, etc.

And whereas, It is supposed that this derangement of our mail routes and want of mail facilities, is in consequence of the inefficiency of our mail agent, or his gross and willful neglect of a faithful discharge of his duties. Therefore,

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed and our Representatives requested to especially enquire into this matter, and further as to the matter of expediency of having a mail agent appointed who is a citizen of this State whose interest is identified with the interest of Arkansas.

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the resolution read a second time, and

On motion of Mr. Smithson the rules were further suspended, the resolution read a third time and adopted.

Mr. Nunn offered the following preamble and resolution:

WHEREAS, It appears from information furnished this House by a select committee, appointed for that purpose, that there are 18 counties in this State with a less territorial area than the constitution requires.

And whereas, It is a question of doubt whether counties thus formed are authorized and allowed to exercise the powers given them. Therefore, *Resolved*, That the committee on the judiciary be and they are hereby instructed to enquire into the propriety and necessity of so amending the constitution of this State as to permit the formation of counties with a less territory than nine hundred square miles.

Which was adopted.

On motion of Mr. Gregg, the vote rejecting Senate bill No. 54, to be entitled an act to incorporate the town of Ozark, was reconsidered.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill to be entitled "an act to incorporate the town of Elm Spring, in Washington county.

Which is herewith returned.

The Senate have concurred in House resolution, instructing our delegation in Congress to use their efforts to procure the passage of an act by Congress granting alternate sections of land to the border railroad, for its use and benefit.

Which is also herewith returned.

The Senate have passed Senate bill 56, entitled an act in relation to the Mississippi, Ouachita, and Red River Railroad Company.

Also, Senate bill 60, entitled an act in relation to billiard tables and ten pin alleys, both of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The Senate have adopted a joint resolution instructing our delegation in Congress to use their exertions to procure the passage of a law establishing a semi-weekly mail, to be carried by stages, from Batesville, Independence county, by way of Yellville, Carrolton and Huntsville, to Fayetteville, in Washington county.

Also, a joint resolution, requesting our delegation in Congress to use their exertions to procure the transportation of the mail in weekly coaches from Ozark, in Franklin county, via St. Paul, Huntsville, Wm. Easley's, Bentonvillee to Maysville, all on the established route.

All of which are herewith transmitted for the concurrence of your honorable body.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Rector introduced House bill No. 230, to be entitled an act to create the office of attorney general, and to protect the interests of the State.

Which was read a first time.

On motion of Mr. Rector, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Powel introduced House bill No. 231, to be entitled an act to prevent husbands going security without the consent of their wives.

Which was read a first time.

Mr. Puryear moved to lay said bill on the table till the 4th day of July.

Mr. Logan called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Beall, Bishop, Bunch, Burgess, Calvert, Cannon, Douglas, Ederington, Hill, Holmes, Hunter, Jones of Hot Spring, Moulden, Nunn, Patterson, Pettigrew, Primm, Puryear, Ramsey, Rector, Stringfellow, Whinery, Williams, Wilson and Witt—27.

Those who voted in the negative, are

Messrs. Barton, Baxter, Beck, Brown, Bruton, Butts, Byrne, Desha, Edmondson, Flippin, Gordon, Gould, Gregg Guice, Harris, Hockersmith, Jackoway, Johnson, Jones of Conway, Jones of Desha, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Neale, Newton, Norsworthy, Poe, Powel, Redmond, Rice, Smithson, Stillwell, Terry, Wade, Watson, Wood and Mr. Speaker—43.

So the motion to lay on the table did not prevail.

On motion of Mr. Wood, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Brown introduced House bill No. 232, to be entitled "an act to provide for a geological and mineralogical survey of the State."

Which was read a first time.

On Motion of Mr. Morton, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Mr. Burgess introduced House bill No. 233, to be entitled "an act to protect securities on criminal bonds."

Which was read a first time.

On motion of Mr. Burgess, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Flippin introduced House bill No. 234, to be entitled "an act regulating the fees of justices of the peace."

Which was read a first time.

On motion of Mr. Flippin, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

On motion of Mr. Rector, the proposed amendments to the constitution, offered on the 18th day of November, 1854, were taken up, and two-thirds of the House voting in favor of their adoption, they consequently passed to a third reading.

On motion of Mr. Desha, the orders of the day were taken up.

House bill No. 155, to be entitled "an act to repeal an act entitled "an act to exempt a homestead from execution," was taken up, and the question being upon the adoption of the majority report, recommending the rejection of said bill,

Mr. Williams called for the ayes and nays, upon the adoption of said report, which report being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Beall, Burgess, Butts, Calvert, Cannon, Edmondson, Ederington, Gordon, Gould, Guice, Harris, Hockersmith, Holmes, Jones of Conway, Jones of Lawrence, Jernigin, Logan, Macon, Miller, Morton, Neale, Norsworthy, Patterson, Pettigrew, Poe, Rector, Redmond, Rice, Stillwell, Stringfellow, Terry, Wade, Watson, Williams, Witt, Wood and Mr. Speaker—39.

Those members who voted in the negative, are

Messrs. Barton, Baxter, Beck, Brown, Bruton, Bunch, Byrne, Desha, Douglas, Flippin, Gregg, Hill, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Leslie, Matthews, Montgomery, Moulden, Newton, Nunn, Powel, Primm, Puryear, Ramsey, Smithson, Whinery and Wilson—29.

So the report was adopted and the bill rejected.

The following message was received from the Senate:

Mr. Speaker:

I present for your honor's signature, "an act to authorize a review of so much of the Springfield and Fulton highway as passes through the county of Madison."

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Montgomery was called to the chair.

On motion of Mr. Powel, House bill No. 129, to be entitled "an act to repeal the 14th section of an act entitled an act to provide for the reclaiming the swamp and overflowed lands donated to this State by the United States, approved January 6th, 1851, and for other purposes," was taken up, and the amendment heretofore reported to said bill by the judiciary committee, read a first time.

On motion of Mr. Wood, the rules were suspended, the amendment read a second time and adopted, and the bill, as amended, read a third time.

The question being on the passage of said bill, Mr. Williams called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted for the passage of said bill, are

Messrs. Allen, Baxter, Beall, Beck, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Cannon, Desha, Douglas, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Montgomery, Morton, Moulden, Newton, Norsworthy, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Rector, Rice, Smithson, Stillwell, Stringfellow, Wade, Watson, Whinery, Williams, Wilson, Witt and Wood—57.

Those voting against the passage of the bill, are

Messrs. Austell, Barton, Calvert, Jones of Desha, Miller, Nunn, Redmond, Terry and Mr. Speaker—9.

So the bill was passed.

On motion of Mr. Jones of Hot Spring, the House adjourned till Monday morning, nine o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

MONDAY, *Dec. 18th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Guice.

The journal of yesterday was read and approved.

Mr. Desha asked and obtained leave of absence for Mr. Baxter.

Mr. Primm obtained leave of absence for Mr. Powel.

Mr. Austell made the following report:

Mr. Speaker:

The committee on education, to whom was referred House bill No. 228, "to incorporate Clarksville Female Institute," have considered the same, and with the following amendmen, to wit: strike out the 8th section of said bill, recommend its passage.

AUSTELL, *Chairman.*

On motion of Mr. Butts, said report was adopted, the rules suspended, the bill, as amended, read a third time and passed.

Mr. Wood made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 22, have considered the same and recommend its passage.

WOOD, *Chairman.*

On motion of Mr. Wood, the rules were suspended, said bill No. 22, declaring a portion of King's river navigable, was read a third time and passed.

Mr. Butts offered the following resolution:

Resolved, That the two Houses of this General Assembly adjourn *sine die* on the 1st day of January, 1855, and the Senate be requested to concur herein.

Which, on motion of Mr. Byrne, was laid on the table.

Mr. Gregg offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the two Houses of this Legislature adjourn *sine die* on Monday, the 15th day of January, 1855, and the Senate be requested to concur herein.

On motion of Mr. Butts, said resolution was laid on the table.

Mr. Butts offered the following resolution:

Resolved, That no new bills be introduced until the bills now on the table be disposed of.

On motion of Mr. Holmes, said resolution was laid on the table till the 1st of January, 1856.

Mr. Hill made the following report:

Mr. Speaker:

The select committee, instructed to inquire whether any appropriation is necessary to pay any judgments rendered against the State or the State bank, have had the subject under consideration, and beg leave to report, that it appears that Jas. M. Curran, now deceased, instituted a suit in chancery, in the Pulaski circuit court, against the State and the State bank, usually known as a creditor's bill, the object of which was to obtain satisfaction of certain judgments, obtained by him against the bank, out of the property which had been conveyed to the State, under the authority of an act of the Legislature, requiring titles to be made to the State, in all cases where lands had been taken in payment of debts due the bank.

The amount claimed by him was as holder of the notes of the bank, with interest thereon. The State, the State bank, John M. Ross, financial receiver, and D. W. Carroll, then attorney of the bank, were made defendants to the bill, and defended on the ground that the lands thus conveyed could not be reached by that proeeding, and that the complainant was not entitled to the relief prayed for. The defence, however, was overruled, and the defendants rested; and on the 23d of February, 1850, a decree was rendered against the bank, of $14,661 25, with six per cent. interest thereon from that time, and cost.

The cause was removed to the supreme court, by appeal, on the part of the State and the bank; and the decree of the Pulaski circuit court was reversed, and it was held that the bill was not maintainable. The case will be found fully reported in the 7th volume English's reports, commencing at page 321 and ending at page 366, and to which your committee refer.

From this decision of the supreme court of this State, Curran appealed to the supreme court of the United States; and at the December term, 1853, the decision of our court was reversed by a majority of the judges of that court—judges Catron, Daniel and Nelson, dissenting. That, however, is the law of the case, and the court held that so much of each of the laws of the State of Arkansas, as authorized and required the cancellation of the bonds of the State, given for money borrowed of the bank of the State of Arkansas, or authorized and required the withdrawal of any part of the specie, or any other property of that bank, and the appropriation thereof, to the use of the State, or authorized or required the application of any part of the assets or property of that bank, to pay bonds issued by the State and sold to raise capital for the bank of the State of Arkansas, or for the Real Estate bank; or authorized and required real property, purchased for the bank of the State of Arkansas, or taken in payment of debts due the bank of the State of Arkansas, to be conveyed to and the title thereof vested in the State of Arkansas, impaired the obligation of contracts made with the complainant, Curran, as the lawful holder and bearer of bills of the Bank of the State of Arkansas, and so were inoperative and invalid.

The case will be found fully reported in the 15th volume of Howard's supreme court reports, commencing at page 304 and ending at page 322. The supreme court of the State of Arkansas, in accordance with the mandate of the federal court of the Union, reversed its own judgment, affirmed the decree of the Pulaski circuit court, and directed the real estate which had been seized on, to be sold on the 15th November, 1854.

Thus litigation in this case has been exhausted, and the interest of the State and bank most earnestly defended, from beginning to end.

The sale was had on the day fixed, and the proceeds amounted to $8,044 12, which being deducted from the amount of the decree, principal and interest, leaves still due thereon $11,509 66 as of the 15th November, 1854, and which, on the 15th day of February next, will amount in the aggregate to $11,682 29, and which your committee think ought to be paid, for reasons now to be briefly stated.

In the same suit, bills of the Real Estate bank, received by the State bank in the payment of debts, and in the custody of John M. Ross, as financial receiver, were attached; but notwithstanding which he proceeded, as it was his duty to do, under a law of the General Assembly requiring the duty to be performed, to exchange the Real Estate bank paper on hand for bonds issued to the State bank, until he had exchanged all on hand. These bonds represent that paper, and have been placed in the treasury and cancelled.

Now, as the property sold did not bring the amount of the decree, it follows that unless an appropriation is made to pay the residue of the decree, resort may be had by the creditor to the estate of John M. Ross, when he was in no fault, and discharged his duty under the law, and acted as a faithful officer.

The effect would be to swap away his estate and leave his family penniless, and they would have the right of reclamation on the State; besides which, in a supplemental bill, divers debtors of the bank have been garnisheed, and the collection of bebts in many instances retarded, and the operations of the bank injured by that suit, which, unless adjusted, will doubtless be rigorously prosecuted, and the bank thrown into heavy costs, in addition to the large amount already paid.

It is a debt that can be no longer contested, and is the only one against the bank on account of its circulation, and doubtless the only one that will be brought, as the bills of the State bank and branches are receivable in payment of taxes, under a decision of the supreme court of the United States, followed by our own court. It is a matter of justice that it should be paid, and the committee have prepared a bill for that purpose and earnestly recommend its passage.

The bill, it will be perceived, does not take effect until the 15th of February next, Mr. Watkins, the executor of Mr. Curran, being willing to adjust it in that mode.

The committee hope that no obstacle will be thrown in the way of the passage of this bill, because it is really necessary for the protection and promotion of the interest of the State.

L. D. HILL, *Chairman,*
Committee on Banks.

Said bill, entitled an act to provide for the payment of a decree against the State Bank, in favor of James M. Curran, was read a first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred Senate bill No. 45, entitled an act to regulate the compensation of the land attorney and State collector, have considered the same and recommend its passage.

REDMOND, *Chairman.*

Mr. Jones of Desha, made the following report:

Mr. Speaker:

The committee on swamp lands, levees and drains, to whom was referred Senate bill No. 35, entitled an act to authorize the assignment of patents to assignees of purchasers of swamp and overflowed lands, have had the same under consideration and have instructed me to report the bill back as amended, and recommend its passage.

The committee on swamp lands recommend the passage of House bill No. 206, to be entitled an act for the relief of Marcus F. Johnson.

JONES of Desha, *Chairman.*

Mr. Williams made the following minority report upon the last named bill.

Mr. Speaker:

The undersigned, a minority of your committee on swamp lands, levees and drains, to whom was referred House bill No. 206, to be entitled an act for the relief of Marcus F. Johnson, with a majority of said committee, have had the same under consideration, and dissenting from the opinion of the majority, beg leave to submit the following minority report:

The minority have no reason to know anything to the contrary, but that by the building of the levee, they cross Bell Point by the State, the individual for whose benefit this act is introduced, they have been injured, and while they would not wish to withhold justice from an injured individual, even though the same should promote the interests of the State. But the minority are of opinion that if the State, by running her levee through the lands of an individual, or by doing any other injury to the same, has become a trespasser, there is no distinction as to the remedy of the injured party against the trespasser, between the State and any individual trespasser. And he has an ample remedy, by a proper proceeding before the courts of the country, where both parties appear as suitors, and the interests of the State are properly guarded and defended.

They further believe that by passing such a bill, the legislature would be laying a dangerous precedent, which, if followed up, might not only prove injurious but ruinous to the State, as others who have been left inside of levees, would have the same right to ask for similar relief at the hands of the General Assembly, that the party for whose benefit this bill is introduced here claims.

If the minority were even in favor of the principle, or willing to lay the precedent, they are opposed to the manner of ascertaining the damages, as proposed in this bill, as by its provisions, it is simply made the duty of the sheriff of Chicot county, to summon a jury and swear them to impartially assess the damages, etc., etc., and no provisions by whom, or whether at all the State is to be represented, either by her attorney, one of her commissioners, or otherwise, at such inquest of damages, to contest before the jury the right of this claimant to damages.

Bat even if this were provided for, they are opposed to the precedent, for the reasons set forth above, and for the reason that if the party has been injured, and the State has been a trespasser, the party injured has a right to call the courts of the country to his relief. We therefore recommend the rejection of the bill.

WILLIAMS,
PURYEAR,
HUNTER,
BARTON.

Mr. Wood moved the adoption of said last report.

Mr. Williams called for the yeas and nays, which call was sustained, and the roll called.

Those voting in the affirmative, are

Messrs. Allen, Austell, Barton, Beall, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Ederington, Edmondson, Flippin, Gordon, Gould, Gregg, Guice, Harris, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Matthews, Montgomery, Morton, Moulden, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Rector, Smithson, Terry, Wade, Watson, Williams, Wilson, Witt, Wood and Mr. Speaker—60.

Those voting in the negative, are

Messrs. Jones of Desha, Neale, Redmond, Stillwell, Stringfellow, Tuley and Whinery—7.

So the report was adopted and the bill rejected.

Mr. Jones of Desha, made the following report:

Mr. Speaker:

The committee on swamp lands, levees and drains, to whom was referred House bill No. 104, entitled an act to amend section 11 of an act amendatory of existing laws regulating the landed interests of this State, have considered the same and recommend the passage of the bill as amended.

JONES of Desha, *Chairman.*

On motion of Mr. Guice the report was adopted.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred Senate bill No. 14, entitled an act to restrain the circulation of change tickets, have considered the same and recommend its passage.

Also, Senate bill No. 24, entitled an act for the confirmation of the settlements of Thomas L. Milner and others, as administrators, and recommend its passage.

Also, Senate bill No. 33, entitled "an act to prohibit the playing certain games, and for other purposes," and recommend its rejection.

Also, House bills No's. 198 and 199, the first entitled an act to prevent the institution of suits against the State of Arkansas, etc., the latter entitled an act to amend chapter 80 of the Digest, and recommend their passage.

Also, Senate bill No. 41, entitled an act to authorize John Srum to sell certain lands, and also, Senate bill No. 32, entitled an act to amend the 85th chapter of the Digest, under the head of enclosures, and recommend their rejection.

Also, Senate bill No. 19, entitled an act to amend in part the 153d chapter of the Digest of the Statutes of Arkansas, in relation to the police regulation of slaves.

The committee deem it inexpedient to recommend the passage of the bill; because, in the opinion of a majnrity of the committee the passage of such a law as the bill contemplates, would be an unwarrantable, unjust and unconstitutional interference into and abridgement of an individual's own private and absolute rights and affairs. Besides the committee are of opinion that the public regulations, as it regards slaves, already in force, are sufficient upon the subject, and only need a rigid enforcement upon the part of owners of slaves, neighborhoods and counties to be effectual in suppressing the evils contemplated by said bill.

The committee are also of opinion, as contemplated by the bill, it would be unequal and inoperative. The majority of the committee, therefore, recommend its rejection.

The committee have also considered Senate bill No. 49, entitled an act for the relief of William A. Neely, of Independence county, and to authorize him as guardian, to sell certain lands, situated in Poinsett county, and recommend its passage.

DESHA, *Chairman.*

On motion of Mr. Desha, the rules were suspended, said last named Senate bill (No. 49,) read a third time and passed.

Mr. Barton introduced bill No. 238, entitled an act to amend the 25th section of chapter 153 of the Digest.

Which was read a first time.

On motion of Mr. Barton, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Barton, Redmond, Wilson, Whinery and Rice.

Mr. Allen introduced House bill No. 239, entitled an act in regard to swamp and overflowed lands.

Which was read a first time.

On motion of Mr. Allen, the rules were suspended, the bill read a second time and referred to the committee on swamp lands.

Mr. Burgess introduced bill No. 240, entitled an act to change the line between the counties of Lawrence and Fulton.

Which was read a first time.

On motion of Mr. Burgess, the rules were suspended, the bill read a second time and referred to the committee on county and county lines.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your honorable body, that the Senate have assented to House bills, entitled "an act to repeal a part of section 1 of an act supplementary to an act to incorporate the Clarksville Institute."

"An act to incorporate the town of Yellville."

"An act to sell certain 16th sections in Conway county."

All herewith returned.

W. L. D. WILLIAMS,
Secretary of Senate.

The following message was received from the Governor by the hands of R. H. Johnson, esq.:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 15th of December, 1854, be approved and signed "an act for the relief of the heirs of Wm. P. Harris, deceased;" "an act to enclose gin houses, in Phillips county, and for other purposes;" "an act for the relief of B. H. Smithson, late sheriff and collector of Washington county;" "an act to change the name of Louisa Brinkmire, to that of Louisa Cornelia Hunt, and make her an heir of James T. Hunt, of Johnson county," and "an act to make an appropriation to build an iron vault to hold the State revenue and other deposits of the State."

And that on the 16th December, 1854, he signed and approved "an act to legalize the sale of section 16, in township 18, north of range two west, in the county of Lawrence;" "an act to increase the compensation of jurors in the counties of Prairie, Conway, Green, Crawford, Desha, Phillips, Montgomery, Fulton, Scott, Ashley, Dallas, Poinsett, Union, Sebastian, Arkansas, Pike and Hempstead," and "an act for the cancellation of notes executed to the State of Arkansas, for unconfirmed State lands," and a resolution prohibiting the present board of swamp land commissioners from letting any more contracts out under the swamp land law, or doing anything, other than to receive and pay for the work already contracted for, until authorized by further legislation. R. H. JOHNSON.

Mr. Nunn introduced House bill No. 241, entitled an act to appropriate the fund arising from grocery license, to the common school fund.

Which was read a first time.

On motion of Mr. Nunn, the rules were suspended and the bill read a second time.

Mr. Wood moved to amend the bill by exempting the county of Madison from the provisions of the same.

Mr. Miller, by exempting the county of Franklin also, both of which amendments were adopted.

On motion of Mr. Powel, the bill was then referred to the committee on education.

Mr. Jacoway introduced House bill No. 242, to be entitled an act to secure the reclamation of all the swamp and overflowed lands in this State.

Which was read a first time.

On motion of Mr. Jacoway, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Johnson was called to the chair.

Mr. Patterson moved to reconsider the vote taken on the passage of House bill No. 129, entitled an act to repeal the 14th section of an act entitled an act to provide for the reclaiming of the swamp and overflowed lands, donated to this State by the United States, approved 6th January A. D. 1851, and for other purposes.

Mr. Powel called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Austell, Barton, Calvert, Hill, Hunter, Jones of Desha, Macon, Neale, Nunn, Patterson, Puryear, Rector, Redmond, Rice, Stillwell, Terry and Mr. Speaker—17.

Those voting in the negative, are

Messrs. Allen, Beall, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Cannon, Desha, Douglas, Ederington, Edmondson, Flippin, Gordon, Gould, Gregg, Guice, Harris, Hockersmith, Holmes, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Matthews, Miller, Montgomery, Morton, Moulden, Newton, Norsworthy, Pettigrew, Poe, Powel, Primm, Ramsey, Smithson, Stringfellow, Tuley, Wade, Watson, Whinery, Williams, Wilson, Witt and Wood—52.

So the motion to reconsider was lost.

Mr. Wood offered the following resolution:

Resolved, That the House hold evening sessions at 3 o'clock, P. M., each day after to-day.

On motion of Mr. Neale, said resolution was laid on the table till the 4th July next.

On motion of Mr. Norsworthy, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

TUESDAY, *Dec.* 19*th*. 1854.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Bruton.

The journal of yesterday was read and approved.

The Speaker announced that petitions from counties were in order.

Mr. Neale presented the petition of sundry citizens of the county of Chicot, praying the legislature to pass a special act increasing the compensation of the officers of said county.

Which was read and referred to the committee on memorials.

Mr. Jones of Desha, presented the petition of sundry citizens of Desha county, praying the passage of an act increasing the compensation of the officers of said county.

Which, on motion, was referred to the committee on memorials.

Reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The committee on claims, to whom was referred House bill No. 216, have considered the same and recommend its passage.

JOHNSON, *Chairman.*

On motion of Mr. Morton, the report was adopted.

Mr. Wood made the following report:

Mr. Speaker:

The committee on memorials, to whom was referred the petition of R. J. Coleman, D. G. Stokes, and others, citizens of Dallas county, praying the passage of a prohibition law, have considered the same and deem it inexpedient to recommend any action whatever on the same.

Also the petition of H. B. Allis, asking an extension of the charter granted to him, signed and approved, Dec. 18th, 1850. The committee deem it inexpedient to extend said charter, and recommend the rejection of the petition.

Also, the petition of N. S. Graves, and others, and report a bill therefor and recommend its passage.

WOOD, *Chairman.*

Said bill, entitled an act to amend an act entitled an act to incorporate the city of Camden, was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second and third time and passed.

Mr. Desha made the following report:

Mr. Speaker:

The judiciary committee, to whom was referred House bill 218, entitled an act to legalize the sale of lots No. 9, 15 and 16, of the 16th section, in T. 7 N. R. 7 E., of the 5th principal meredian, in the county of Crittenden, have considered the same and instruct me to report the same back and recommend its passage.

Also, bill No. 175, entitled an act for the relief of William Gilliam, the committee propose to amend the bill as follows, to wit: Add, after the word "same," in the last line of the 1st section, the words "to be paid out of the internal improvement fund," and as amended, recommend its passage.

DESHA, *Ch'n.*

On motion of Mr. Barton, said bill No. 218, was read a third time and passed, the rules having been suspended for that purpose.

Mr. Desha reported further, as follows:

Mr. Speaker:

The committee on the judiciary have considered "an act to authorize the administrator of Robert D. Chaney, deceased, to convey certain lands."

Also, Senate bill No. 48, entitled an act to amend the statute law, in reference to costs in chancery cases.

Also, House bill No. 233, entitled an act to protect securities in criminal bonds, and instruct me to report the same back to the House and recommend their rejection.

DESHA, *Chairman*

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 232, entitled an act to provide for a geological and mineralogical survey of the State, have considered the same, and as amended, recommend its passage.

Also, House bill No. 212, entitled an act to provide for the building of a work shop within the walls of the penitentiary and for other purposes; and as amended, recommend its passage.

REDMOND, *Chairman.*

On motion of Mr. Wood, the report on bill No. 232, was adopted, and the report on bill No. 212, was also adopted, by motion of Mr. Guice.

Mr. Guice moved to suspend the rules, in order to read said last bill a third time, which motion was lost.

On motion of Mr. Stillwell, said bill, No. 212, was then made the order of the day for to-morrow.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have carefully examined a resolution requiring a joint committee to be raised—three on the part of the House, and three on the part of the Senate, to enquire into the manner in which the laws in regard to the reclamation of swamp lands have been administered.

An act supplementary to an act entitled an act to attach a part of Van Buren county to the county of Pope, approved 12th January, 1853.

An act supplemental to an act entitled an act to incorporate the Perkins Institute, in the town of Smithville, in Lawrence county.

An act imposing additional duties upon the treasurers of Union and St. Frances counties.

An act to be entitled an act to compensate John C. Peay, sheriff of Pulaski county, for certain services, and have instructed me to report the same as correctly enrolled.

HOLMES, *Chairman.*

Mr. Rector made the following report:

Mr. Speaker:

The committee on internal improvements, to whom was referred a memorial of a large number of the citizens of the State, praying the legislature to donate the lands along the eastern branch of the Cairo and Fulton Railroad, to the Arkansas Midland Railroad Company, having considered the same, ask to be discharged from a further investigation thereof, at the present time.

RECTOR, *Chairman.*

Mr. Redmond made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of E. Cheek, agent for the Memphis and St. Francis plank road company, have had the same under consideration, and a majority of said committee have instructed me to report to the House, that the subject matter embraced in the petition, is not a legislative subject; they therefore ask to be discharged from a further consideration of the same.

REDMOND, *Chairman*

Mr. Barton made the folowing report:

Mr. Speaker:

Your select committee to whom was referred House bill No. 238, have had the same under consideration, and most respectfully ask leave to report the same back to the House and recommend its passage. BARTON, *Chairman.*

On motion of Mr. Barton, the rules were suspended, siad bill, entitled "an act to amend the 25th section of chapter 153, of the Digest," was read a third time and passed.

The following message was received from the Senate:

Mr. Speaker:

I have the honor to announce to your honorable body that the Senate have assented to House bill No. 225, to be entitled "an act to call in the scrip of Fulton county."

Also, to House bill No. 42, to be entitled "an act to amend sections 62 and 63, chapter 67, of the Digest of the statutes of Arkansas."

All of which are herewith returned.

The Senate have assented to the amendment of your honorable body, to Senate bill No. 47, to be entitled "an act to incorporate the Huntsville Masonic Institute."

I am also directed by a vote of the Senate, to transmit to your honorable body a memorial, addressed to the General Assembly of this State, by certain persons of Louisiana, protesting against a cut-off on a point of land opposite Egg's Point, in Mississippi, to make which, liberty has been asked by certain citizens of Louisiana.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Hockersmith made the following report:

Mr. Speaker:

The select committee to whom was referred the petition of William T. McClain, of the county of Saline, have had the same under consideration, and instruct me to report the accompanying bill and recommend its passage.

[illegible]KERSMITH *Chairman.*

Said accompanying bill, enti[illegible] act for the relief of Wm. T. McClain," was read a first ti[illegible]

On motion of Mr. Hockersmith, the rules were suspended, and the bill read a second time.

Mr. Stillwell moved to amend said bill by inserting Larkin Hensley, of Pulaski county.

Which was lost.

Mr. Redmond moved to amend said bill by exempting the county of Monroe from the provisions of the same.

Mr. Barton moved to amend by exempting the county of Crittenden from its provisions.

Mr. Nunn moved to amend by adding to said bill, the name of John Woodrome, of Lawrence county.

Mr. Morton moved to amend by adding the name of Eli Newland, of Crawford county.

All of which amendments were lost, and

On motion of Mr. Byrne, said bill was laid on the table till the 4th July next.

Mr. Jones of Hot Spring made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 95, have considered the same, and instruct me to report the same back with the following amendment, and recommend its passage as amended: Strike out section two of said bill, and insert in lieu thereof the following:

And be it further enacted, That nothing in this act shall be so construed as to authorize said Barkman, or his heirs or assigns, to vacate or obstruct the free passage of the present military road as it is now laid out, anything in this act to the contrary notwithstanding.

JONES of Hot Spring, *Chairman.*

Mr. Smithson made the following minority report:

Mr. Speaker:

The select committee to whom was referred said House bill No. 95, have considered the same, and a minority of said committee recommend the passage of the bill.

SMITHSON.

Mr. Williams made the following report:

Mr. Speaker:

The select committee to whom was referred Senate bill No. 58, entitled "an act to incorporate the town of Des Arc," have considered the same, and after striking out the word "forever," in section 1, recommend the passage of the bill.

WILLIAMS, *Chairman.*

On motion of Mr. Williams, the report was adopted, the rules suspended, the bill as amended read a third time and passed.

Mr. Flippin made the following report:

Mr. Speaker:

The select committee to whom was referred Senate bill No. 31, have considered the same, and with the following amendment recommend the passage of the bill: After the word "Marion" in section 2, insert "Lawrence, Scott, Montgomery and Izard," and the words, "Searcy and Van Buren," be stricken out.

FLIPPIN, *Chairman.*

Mr. Rector moved to amend said report, by adding "Pulaski" after "Izard county."

Whice was agreed to.

On motion of Mr. Flippin, the proposed amendments of the committee were adopted, the rules suspended, the bill as amended read a third time and passed.

Mr. Williams offered the following resolution:

Resolved, That the resolution of this House setting apart Tuesdays and Fridays of each week for the disposition of business of a local or private nature, be rescinded, and hereafter no such business shall be done except on Fridays.

On motion of Mr. Byrne, the resolution was laid on the table till the 4th July next.

Mr. Douglas gave notice that he would, on Thursday next, or some convenient time thereafter, introduce a bill to amend the criminal law of this State, under the head of Sabbath breaking, so as to make it criminal to hunt with a gun with intent to kill game, or shoot for amusement on the Sabbath day.

The following message was received from the Senate:

Mr. Speaker:

I have the honor to present for your honor's signature "an act to incorporate the Huntsville Masonic Institute."

The Senate have passed a bill "for the relief of Felix Owen, of White county."

Which is herewith transmitted for the assent of the House.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Jones of Desha, moved to take up joint resolution of the House, asking Congress to pass an act establishing a mail route from Napoleon to Florence, in the county of Desha.

Which motion prevailed, and the resolution was read a second and third time and adopted.

Mr. Butts offered the following resolution:

Resolved, That the House hold evening sessions from 6 o'clock to 9 o'clock, P. M., on Tuesdays and Fridays.

On motion of Mr. Neale, said resolution was laid on the table.

Mr. Rector offered the following resolution:

Resolved, That hereafter Mondays only shall be exclusively appropriated to the disposition of private or local business.

Mr. Bruton offered the following as a substitute to the above resolution:

Resolved, That after this day, the resolution to set apart Tuesdays and Fridays for local business be rescinded, and that Fridays be set apart alone for local business.

Mr. Puryear moved to amend said substitute resolution by saying, that the House of Representatives hold evening sessions on Fridays heretofore set apart for private business.

Which was accepted by Mr. Bruton, and the resolution as amended adopted.

Mr. Redmond offered the following preamble and resolutions:

WHEREAS, The right of property in slaves, is expressly recognized by the constitution of the United States, and is by virtue of such recognition, guarantied against unfriendly action on behalf of the general government; and whereas, each State of the Union, by the fact of being a party to the federal compact, is also a party to the recognition and guaranty aforesaid; and whereas, the citizens of each State are, in consequence of such citizenship, under the most sacred obligation to conform to the terms and tenor of the compact to which their State is a party; therefore,

1. *Be it resolved by the General Assembly of the State of Arkansas*, That the legislation of Congress, repealing the mis-named "compromise" of 1820, and asserting the doctrine of non-interference with slavery, alike in States and Territories, is in strict accordance with the constitution, and in itself just and expedient, and is, for these reasons, cordially approved by the people of Arkansas.

2. *Resolved*, That the opposition of northern States to the legislation above mentioned, is at war with the letter and spirit of the constitution—is grossly violative of plighted faith, and is a traitorous blow aimed at the rights of the South and the perpetuity of the Union.

3. *Resolved,* That the citizens of the State of Ohio have pursued a course peculiarly unjust and odious in their fanatical hostility to institutions for which they are not responsible, in their encouragement of known felons, and endorsement of repeated and shameless violations of law and decency, and in their establishment of abolition presses and circulation of incendiary documents, urging a servile population to blood-shed and rapine; and, by reason of the premises, it is the duty and the interest of the people of Arkansas to discontinue all social and commercial relations with the citizens of said State; and the same is hereby earnestly recommended, as a punishment of past outrages, and a preventive of further aggressions.

4. That His Excellency, the Governor, be, and he is hereby requested to transmit copies of these resolutions to the Governors of the several States and Territories of the Union, to be laid before the legislative authority thereof, and to our Senators and Representatives in Congress, to be laid before the Senate and House of Representatives of the United States.

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended, the resolutions read a second time and referred to the committee on memorials.

Mr. Guice moved a reconsideration of the vote of House bill, entitled "an act for the relief of Marcus F. Johnson."

Which motion was lost.

On motion of Mr. Wood, Mr. Neale had leave to withdraw said bill, with the accompanying papers.

Mr. Bruton introduced House bill No. 245, to be entitled "an act to graduate the price of the saline lands in Pope county, Arkansas."

Which was read a first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second time, and

On motion of Mr. Wilson, referred to the committee on education.

Mr. Beall introduced House bill No. 246, to be entitled "an act for the benefit of James H. Crow."

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended, the bill read a second time and referred to the committee on claims.

Mr. Hunter introduced House bill No. 247, to be entitled "an act to authorize the clerk of the county and circuit courts of Randolph county to transcribe certain records of said county."

Which was read a first time.

On motion of Mr. Hunter, the rules were suspended, the bill read a second and third time and passed.

Mr. Bruton was called to the chair.

Mr. Nunn introduced House bill No. 248, to be entitled "an act to call in the scrip of Lawrence county."

Which was read a first time.

On motion of Mr. Nunn, the rules were suspended, the bill read a second and third time and passed.

Mr. Stillwell introduced House bill No. 249, to be entitled "an act to amend the charter of the city of Little Rock."

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Morton, House bill No. 229, entitled "an act to change the time of holding the courts in the 4th judicial circuit," was taken up.

Mr. Gregg moved to amend section three of said bill, by striking out the words "its passage," and insert in lieu thereof, the words "the 7th day of January, A. D. 1855."

Which amendment was read a first and second time, and the bill as amended, read a third time and passed.

Mr. Holmes introduced House bill No. 250, to be entitled "an act to incorporate the trustees of the Princeton Female Academy."

Which was read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second time.

Mr. Byrne moved to amend said bill by striking out the 8th section.

Which motion prevailed.

On motion of Mr. Holmes, the rules were suspended, the bill as amended read a third time and passed.

The following message was received from the Governor, by the hands of R. H. Johnson, esq.:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 18th day of December, 1854, he approved and signed "an act to incorporate the town of Mt. Ida, in Montgomery county;" and "an an act to incorporate the Water Witch Fire Company, in the city of Helena;" and on the 19th day of December, 1854, "an act to provide more fully for the incorporation of the city of Fort Smith;" and at the same time, on the 19th day of December, 1854, "an act supplemental to an act entitled an act to provide more fully for the incorporation of the city of Fort Smith."

R. H. JOHNSON,
Private Sec'y.

Mr. Wood asked and obtained leave to call up Senate bill No. 53, to be entitled "an act more fully to define and establish the line between the counties of Carroll and Madison."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and referred to a select committee, consisting of Messrs. Wood, Bunch and Haggin.

Mr. Desha, on leave granted, called up Senate bill, "for the relief of Felix Owen, of White county."

Which was read a first time.

On motion of Mr. Desha, the rules were suspended, the bill read a second and third time and passed.

Mr. Holmes introduced House bill No. 251, to be entitled "an act to incorporate the trustees of the Princeton Male Academy."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second and third time and passed.

Mr. Stillwell asked and obtained leave to take up House bill No. 138, entitled "an act to change the time of electing a judge of the 5th judicial circuit."

Which was read a third time and passed.

Mr. Byrne called up House bill No. 180, entitled "an act for the relief of John E. Smith, sheriff of Columbia county."

Which was read a second time.

On motion of Mr. Byrne, the rules were suspended, the bill read a third time and passed.

Mr. Gordon asked and obtained leave to withdraw from the clerk's table, House bill No. 145, entitled "an act to extend the charter of a toll-bridge for James Campbell, of Conway county, Arkansas."

Mr. Holmes introduced House bill No. 252, to be entitled "an act to separate the county and probate courts of the county of Dallas."

Which was read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second and third time and passed.

Mr. Redmond asked and obtained leave to take up House bill No. 170, to be entitled "an act to increase the pay of the judges and associate justices of the county courts of Monroe, Jackson, Chicot, Bradley and Dallas counties."

Which was read a third time and passed.

Mr. Rice presented the report of the internal improvement commissioner of Phillips county.

Which, on motion of Mr. Rice, was referred to the committee on internal improvements.

On motion of Mr. Stringfellow, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

WEDNESDAY, *Dec. 20th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Mr. Patterson presented a petition, and with it a bill. entitled "an act to amend an act to grant a charter to John O. Beard to erect a toll-bridge across Cache river, in Jackson county, Arkansas."

Which bill was read a first time.

On motion of Mr. Patterson, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Puryear presented the petition of sundry citizens of Poinsett county, asking the passage of an act to authorize the common school commissioner to sell the sixteenth section of T. 13 N., R. 5 E., at $1 25 per acre.

Which was, on motion of Mr. Puryear, referred to the committee on education.

Mr. Jacoway made the following report:

Mr. Speaker:

The joint standing committee on the Auditor's and Treasurer's books have performed the duty assigned them, and have instructed me to make the following report:

Your committee have made a thorough examination of the records and vouchers belonging to these offices, and compared them with the reports recently submitted by the Auditor and Treasurer to the Governor, and by him reported to this Legislature, and find the same correct, as in said reports stated.

Your committee have gone over all the additions, both in the books of the Auditor and Treasurer, and examined all the entries in said books for two years, ending on the 30th day of September, A. D. 1854, and finding no errors, deem it unnecessary to say more in regard to the very faithful and able manner in which these officers have discharged their duties.

Your committee, after having examined the books and vouchers as above stated, proceeded, on the 15th day of December, 1854, to count all the moneys in the Treasury on that day, and report the same as follows, to wit:

In specie belonging to the Saline Fund,	$ 1,077 49
" " " Int. Imp. Fund,	13,154 40
" " " Seminary Fund,	7,913 81
" " " Counties,	1,665 47
" " " Monument,	45 00
" " " Counties on acc't escht's,	62 71
" Applicable to State expenditures,	9,881 12
Making the sum total in specie,	$ 33,800 00

Your committee also find that there was in the State Treasury, on the 30th September last, $1,173 29 in county scrip, and since that time, to the present date, there has been paid out of the same, $76 30, leaving a balance on hand of 1,096 99; and since the 30th of September last, there has been paid into the treasury, the sum of $510, in Arkansas bank notes, which makes the amount of Arkansas bank notes now in the treasury, $6,547 01; and $3,764 58 in State Bank bonds and coupons. These bonds and coupons were taken from the securities of the late Samuel Adams, late State Treasurer, on account of his defalcation as such.

Your committee would recommend the cancellation of said bonds and coupons, and also, that three hundred State bonds with coupons, which being unsold, were returned, cancelled and placed in the treasury, be burned.

Your committee would further report, that since the adjournment of the last Legislature, much additional labor is required of the State Treasurer, in regard to the swamp lands and other duties connected with his office; your committee would, therefore, recommend that an appropriation sufficient be made to pay clerk hire in said office for the next two years; and that the sum of one thousand dollars be appropriated for that purpose.

Your committee would also recommend, that in consideration of the accumulation of books, maps and plats, in the Auditor's office, that provision be made for that officer to use and occupy one room in the west wing of the capitol for the purpose of removing such portion of the business from the present office as in his judgment, the interest of the State may require.

Your committee would further report, that they have carefully examined the books, maps and entries of the swamp and overflowed lands in the Auditor's and Treasurer's office, as far as they have been reported to them, and have come to the conclusion, reluctantly, that this great interest of the State has been badly and carelessly conducted by the swamp land commissioners; and, your committee feel called upon to bring one transaction of these commissioners before the Legislature, as it is apparent to your committee that they acted without authority of law in the premises, to wit: said commissioners, as appears from the Auditor's and Treasurer's books, paid to Albert Pike, esq., fifteen hundred dollars for legal advice, instead of applying to the attorney general, (if advice was indispensable,) whose duty it is, as this committee understands the law to be, to give such advice to all State officers, as they may from time to time require.

Therefore your committee recommend, that suit be instituted against said swamp land commissioners and their securities for the aforesaid sum of fifteen hundred dollars, so paid as aforesaid.

All of which is respectfully submitted.

JACOWAY, *Chairman*
on part of the House.

On motion of Mr. Wood, said last report was adopted.

Mr. Holmes made the following report:

Mr. Speakar:

The committee on enrollments have examined a joint resolution instructing our Senators and Representatives in Congress to use their best efforts to procure the passage of a law granting alternate sections of land to the border railroad for the use and benefit of said road.

"An act to repeal a repeal a part of the first section of an act to incorporate the Clarksville Institute," and,

"A act to authorize the common school commissioner of Conway county to dispose of the 16th section in T. 7 N., R. 15 W," and report the same as correctly enrolled.

HOLMES, *Chairman.*

Mr. Redmond, from the committee on ways and means, made the following report:

Mr. Speaker:

The committee on ways and means to whom was referred that portion of the Governor's message recommending that provision should be made to compensate Samuel H. Hempstead for professional services rendered the State in the case of the heirs of Cloyes against the State, and others, under the appointment of His Excellency, John S. Roane, late Governor of the State, have had the subject under consideration, and have instructed me to report a bill for that purpose, and recommend its passage.

REDMOND, *Chairman.*

Said bill, entitled "an act to compensate Samuel H. Hempstead for professional services," was read a first time.

On motion of Mr. Gregg, the rules were suspended, the bill read a second and third time and passed.

Mr. Byrne made the following report:

Mr. Speaker:

The select committee to whom was referred Senate bill No. 6, entitled "an act for the relief of J. H. Shackleford and others," have considered the same, and are satisfied that a majority of the householders in T. 9 S., R. 22 W., of the 5th principal meridian, consider themselves aggrieved by the sale of section 16, in said township, and believing from the evidence, that said sale was not, in all things, conducted fairly," they therefore recommend the rejection of said bill.

BYRNE, *Chairman.*

On motion of Mr. Beall, the report was adopted, and the bill rejected.

Mr. Hill made the following report:

Mr. Speaker:

The committee to whom was referred house bill 196, entitled "an act to change the time of holding the circuit court of Perry county," have considered the same, and recommend its passage.

HILL, *Chairman.*

On motion of Mr. Hill, the rules were suspended, the bill read a third time and passed.

Mr. Byrne offered the following resolution:

Resolved, That so much of the report of the committee on Auditor's and Treasurer's books, as recommends that suit be instituted against the swamp land commissioners for the sum of fifteen hundred dollars, the amount of a fee by them paid to Albert Pike, esq., for an opinion, be referred to the committee on the judiciary.

Which was adopted.

Mr. Wood offered the following resolution:

Resolved, That 300 copies of the resolutions offered by Mr. Redmond, on yesterday, be printed for the use of the House.

Which was adopted.

On motion of Mr. Bunch, leave of absence was granted Mr. Haggin on account of indisposition.

Mr. Hockersmith offered the following resolution:

Resolved, That the two Houses of the General Assembly will convene in the hall of the House of Representatives, at 11 o'clock, on Thursday, the 21st inst., to go into the election of State Treasurer, and that the Senate be requested to concur herein.

Mr. Wood moved to amend by inserting Financial Receiver.

Which amendment was adopted, and the resolution as amended, also adopted.

Mr. Matthews introduced bill 256, entitled "an act to change the attachment laws in certain courts in certain cases."

Which was read a first time.

On motion of Mr. Powel, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Guice introduced bill 259, entitled "an act granting 160 acres of swamp and overflowed lands to each head of a family, or other free white citizens of this State, over the age of twenty-one years."

Which was read a first time.

On motion of Mr. Guice, the rules were suspended, the bill read a second time, and referred to the committee on swamp lands.

Mr. Patterson was called to the chair.

Mr. Williams introduced bill 258, entitled "an act to quiet tax and donation titles to lands in the State of Arkansas."

Which was read a first time.

On motion of Mr. Williams, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Smithson introduced House bill No. 259, to be entitled "an act to amend section ——, of chapter 27, of the Digest of the Statutes of this State."

Which was read a first time.

On motion of Mr. Smithson, the rules were suspeded, the bill read a second time, and,

On motion of Mr. Wood, the rules were again suspended, and the bill read a third time.

The question being now upon the passage of said bill, Mr. Miller called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted for the passage of said bill, are

Messrs. Allen, Austell, Barkman, Barton, Beall, Beck, Bishop, Brown, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Ederington, Edmondson, Flippin, Gordon, Gould, Gregg, Guice, Harris, Hill, Hockersmith, Holmes, Jacoway, Jones of Conway, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Montgomery, Moulden, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Puryear, Ramsey, Rector, Rice, Smithson, Stillwell, Stringfellow, Tuley, Wade, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—59.

Those members who voted in the negative, are

Messrs. Bruton, Hunter, Jones of Hot Spring, Miller, Primm, Redmond and Terry—7.

So the bill passed.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bills No. 160, to be entitled "an act to incorporate the town of Princeton, in Dallas county,"—No. 46, entitled "an act for the benefit of actual settlers upon lands forfeited to the State for the non-payment of taxes."

I herewith present for your honor's signature, "an act to declare a portion of King's river, in Madison county, a navigable stream."

"An act for the relief of William A. Neely of Independence county."

"An act for the relief of Felix Owen of White county."

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Flippin introduced House bill No. 260, to be entitled "an act to pay jailors for keeping prisoners."

Which was read a first time.

On motion of Mr. Flippin, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Hunter introduced House bill No. 261, entitled "an act the better to secure the rights of plaintiffs in certain cases."

Which was read a first time.

On motion of Mr. Hunter, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Edmondson introduced House bill No. 262, to be entitled "an act in relation to the swamp and overflowed lands belonging to the State of Arkansas."

Which was read a first time.

On motion of Mr. Edmondson, the rules were suspended, and the bill read a second time.

Mr. Speaker moved to amend said bill as follows, to wit: "Provided that nothing in this act shall be so construed as to affect the interest of those who have entered said lands with swamp land scrip."

Which amendment was adopted, and the bill and amendment, on motion of Mr. Rector, referred to the committee on swamp lands.

Mr. Matthews asked and obtained leave of absence for himself for a few days.

On motion of Mr. Rector, House bill to be entitled "an act to aid in the construction of the Cairo and Fulton Railroad, and the Fort Smith and Mississippi branches thereof, and for other purposes," was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended and the bill read a second time.

Mr. Rector moved to make the bill the order of the day for Monday week, which motion was lost and the bill made the order of the day for Tuesday next, by motion of Mr. Gordon.

The following message was received from the Governor by the hands of R. H. Jonson, esq.

EXECUTIVE OFFICE,
Little Rock, Arks., 20th Dec., 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

The Governor has received the resignation of William R. Miller, as Auditor of Public Accounts, to take effect on the 26th day of Dec., 1854, of which resignation the following is a copy, to wit:

AUDITOR'S OFFICE,
Little Rock, 20th Dec., 1854.

SIR: I hereby tender my resignation of the office of Auditor of Public Accounts of the State of Arkansas, to take effect on the 26th day of December, 1854.

Respectfully, your ob't serv't,
WM. R. MILLER.

His Excellency E. N. CONWAY.

Under the constitution, it devolves on the General Assembly to fill the vacancy. E. N. CONWAY.

The orders of the day were taken up.

House bill, entitled "an act to build a workshop within the walls of the penitentiary, and for other purposes," was taken up.

Mr. Hill offered the following amendment to said bill; to wit: Amend section 1st by striking out all after the word "contract," in the 3d line to "upon" in same line, and insert in lieu thereof, "to the lowest responsible bidder."

Which was adopted, and the bill recommitted to the committee on ways and means, by motion of Mr. Wood.

Mr. Poe offered the following resolution:

Resolved, That the two Houses of the General Assembly do go into the election of Auditor of the State, to fill the vacancy of Wm. R. Miller, resigned, on Thursday, 21st inst., at 11 o'clock.

On motion of Mr. Barton, said resolution was laid on the table for the present.

Mr. Rector offered the following resolution:

Resolved, That a committee of five be raised to enquire into the legal right of the legislature to provide by election for the suggested interim reported to this House by the message of the Governor, in the Auditor of Public Accounts.

Which was adopted, and Messrs. Rector, Nunn, Desha, Austell and Rice, appointed as such committee.

House bill No. 79, entitled "an act to amend article 6, in regard to trespass on personal property, of chapter 51, of the Digest of Arkansas, under the head of criminal law," was taken up, read a second and third time and passed.

House bill No. 42, entitled "an act to repeal so much of chapter 90, of the Digest, as legalizes conventional interest," was taken up, and

On motion of Mr. Gregg, the report of the judiciary committee adopted and the bill rejected.

House resolution fixing the terminus of the eastern branch of the Cairo and Fulton railroad at Hopefield, opposite the city of Memphis, was taken up and read a second time.

Mr. Redmond moved to lay the resolution on the table till the 4th July next.

Mr. Williams called for the ayes and nays, which call being sustained, the roll was called.

Those voting to lay said resolution on the table, are

Messrs. Allen, Bishop, Brown, Bruton, Bunch, Butts, Byrne, Edmondson, Gordon, Gregg, Guice, Harris, Hill, Hunter, Jacoway, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Macon, Matthews, Miller, Montgomery, Morton, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow, Terry, Tuley, Watson, Witt and Mr. Speaker—42.

Those vating in the negative, are

Messrs, Austell, Barkman, Barton, Beall, Burgess, Calvert, Cannon, Desha, Douglas, Ederington, Flippin, Gould, Hockersmith, Holmes, Jernigin, Logan, Moulden, Poe, Smithson, Stillwell, Wade, Whinery, Williams, Wilson and Wood—25.

So the motion to lay on the table prevailed.

Mr. Stringfellow moved to adjourn till to-morrow morning 9 o'clock.

Mr. Wood called for the ayes and nays, which being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Barton, Byrne, Flippin, Gould, Hockersmith, Holmes, Hunter, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Miller, Norsworthy, Patterson, Pettigrew, Poe, Primm, Stringfellow, Terry, Tuley, Whinery, Williams and Mr. Speaker —23.

Those members who voted in the negative, are

Messrs. Allen, Austell, Barkman, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Gordon, Gregg, Guice, Harris, Hill, Jacoway, Jones of Conway, Leslie, Logan, Macon, Montgomery, Morton, Moulden, Newton, Nunn, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Wade, Watson, Wilson and Wood—41.

So the House refused to adjourn.

Mr. Bruton moved to take a recess till 3 o'clock, which motion was lost.

Mr. Desha asked, and obtained leave to make the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 254, "regulating the fees of justices of the peace," have had the same under consideration, and the committee deem it inexpedient to make any alterations in the present fees of said officers, and they have instructed me to report the same back and recommend its rejection.

The committee have also considered House bill No. 231, entitled "an act to prevent husbands going security without the consent of their wives," and recommend the rejection of the same.

The committee have also had under consideration House bill No. 242, entitled "an act to secure the reclamation of all the swamp and overflowed lands in this State," and instructed me to report the same back to the House and recommend its rejection.

DESHA, *Chairman.*

On motion of Mr. Bruton, the report of the judiciary committee above, on bill 234 was adopted and the bill rejected.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill 230, entitled "an act to create the office of attorney general, and to protect the interests of the State of Arkansas," have considered the same, and the majority of the committee have instructed me to report the same back to the House with the following amendments, to wit:

Strike out the word "February" in the 3d line of the 1st section, and insert in lieu thereof the word "May," and strike out the words "same day," in the 3d line of the 1st section, between the words "the" and "every," and insert in lieu thereof between said words, the words and figures, "1st Monday in August, 1856, and on the same day," so as to make it read, "and on the 1st Monday in August, 1856, and on the same day every four years thereafter," and the majority of the committee have instructed me to report the bill back and to recommend its passage as amended.

DESHA, *Chairman.*

On motion of Mr. Redmond, the House adjourned until to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. Representatives.

THURSDAY, *Dec. 21st*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Mr. Terry presented the petition of Thomas Price, asking the passage of an act refunding certain moneys paid by him, the said Price, on lands wrongfully sold for taxes.

Which petition, with the accompanying papers, were,

On motion of Mr. Terry, referred to the committee on claims.

Mr. Hill, from a select committee, made the following report:

Mr. Speaker:

The special committee, to which was referred that portion of the Governor's message in relation to the suit instituted against the trustees of the Real Estate Bank, with instructions to enquire into the expediency and propriety of furnishing means for the prosecution of said suit, have had the same under consideration, and beg leave to report—

That at the last session of the legislature, an act was passed requiring a suit to be instituted against the trustees of the Real Estate Bank by the State of Arkansas, but no appropriation was made to carry on the suit at that session.

The Governor, under the authority contained in that act, appointed counsel to institute the suit, and it was instituted accordingly in the Pulaski circuit court, where it is now pending.

Your committee are of opinion, that a sufficient provision should be made to carry on that suit in accordance with the recommendation of the Governor.

It is a suit in which the State is deeply interested, and to abandon it now would be attended with evil and ruinous consequences.

In view of the importance of the matter, connected as it is with the interest, credit and honor of the State, your committee beg leave to report, and recommend the passage of the accompanying bill, which vests in the Governor the necessary discretionary power, and affords means which may be required to effect the objects of the suit.

L. D. HILL, *Chairman.*

Which accompanying bill, entitled "an act to aid in bringing to light the true condition of the Real Estate Bank of the State of Arkansas, and in holding to account and settlement those who have had charge of the assets under the deed of assignment of the 2d April, 1842, and in having the trust executed," was read a first time.

On motion of Mr. Hill, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Mr. Austell, from the committee on education, made the following report:

Mr. Speaker:

The standing committee on education, to whom was referred House bill No. 50, entitled "an act to amend an act in relation to common schools." House bill No. 69, "an act ammendatory of an act passed and approved January 11th, 1853, under the head of the revised common school system in the State of Arkansas." House bill No. 75, entitled "an act to amend an act entitled an act revising the common school system of the State of Arkansas," approved 11th January, 1853. And also the memorial of sundry citizens of the county of Pulaski, praying a repeal of the act of the General Assembly, approved the 11th of January, 1853, have examined and considered them respectively, and through their chairman respectfully ask permission to report:

That the committee being fully impressed with the importance of the subject of education, together with the great necessity of a well organized system of common schools in Arkansas, determined that before they would proceed to take special action upon the references made to the committee, that they would closely examine and investigate the existing laws now in force in this State, regulating the common school system, whereby they might be enabled to determine whether a change in the present school law system would result in a general benefit or not. That in the performance of this duty, the committee become satisfied that the existing law of this State governing our common schools was objectionable in many respects; yet, the committee is of opinion that neither of the bills above referred to would, if passed and enacted, make the existing school laws as perfect as could be or desired. Therefore, the committee report said bills back to the House and recommend their rejection, and most respectfully ask leave to introduce the accompanying bill, which, it is believed, would make our common school laws more perfect and less complicated, and recommend its passage.

AUSTELL, *Chairman.*

Said accompanying bill, entitled "an act to regulate the common school system of the State of Arkansas," was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time and made the order of the day for Tuesday next.

On the further motion of Mr. Wood, 200 copies of said bill were ordered to be printed.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to inform your honorable body that the Senate have assented to House bill No. 83, entitled "an act to repeal an act to declare Plum Bayou navigable," approved January 10th, 1853, with an amendment thereto, to which the assent of your honorable body is respectfully asked.

The Senate have refused to assent to House bill No. 84, entitled "an act for the relief of George W. and Augustus Goolsby."

Both of which are herewith returned.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Hill moved to reconsider the vote taken on yesterday, laying the resolution on the table fixing the terminus of the eastern branch of the Cairo and Fulton raiload at Hopefield, opposite the city of Memphis, Tennessee.

After some discussion on said motion, the House took a recess for ten minutes, by motion of Mr. Bruton.

11 o'clock, A. M.

The House convened.

On motion of Mr. Nunn, the clerk informed the Senate that the hall of the House of Representatives was in readiness to receive them for the purpose of going into the election of Chief Justice of the Supreme Court, to fill the vacancy occasioned by the resignation of George C. Watkins.

The Senate now appeared within the hall of the House and were seated.

Mr. President announced that the object of the convention of both Houses was to elect a Chief Justice of the Supreme Court, to fill the vacancy aforesaid, and that nominations for said office were in order.

Whereupon, Mr. Logan nominated E. H. English, esq.

Mr. Rector nominated Thomas Johnson, esq.

No further nominations being made, the roll was called, when Mr. English received on joint ballot, 18 votes in the Senate and 47 in the House—65.

Mr. Johnson received upon joint ballot, 3 in the Senate and 21 votes in the House—24.

Those members of the House of Representatives who voted for Mr. English, are

Messrs. Allen, Barkman, Barton, Beall, Bishop, Bruton, Burgess, Byrne, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Harris, Hill, Hockersmith, Holmes, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Morton, Moulden, Neale, Norsworthy, Poe, Redmond, Smithson, Stillwell, Terry, Tuley, Wade, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—47.

Those members of the House who voted for Mr. Johnson, are

Messrs. Austell, Beck, Brown, Bunch, Butts, Calvert, Hunter, Leslie, Macon, Miller, Montgomery, Newton, Nunn, Pettigrew, Primm, Purpear, Ramsey, Rector, Rice, Stringfellow, and Watson—21.

Whereupon, Mr. President announced that E. H. English, esq., having received a majority of all the votes cast, was duly elected Chief Justice of the Supreme Court, to fill the vacancy occasioned by the resignation of Hon. George C. Watkins.

The Senate now retired to their chamber.

Mr. Poe moved a recess till 3 o'clock, P. M.

Which motion was lost.

The question now being on the reconsideration of the vote of the last above resolution, in regard to the eastern branch of the Cairo and Fulton railroad, Mr. Macon called for the ayes and nays, which call was sustained and the roll called.

Those voting to reconsider, are

Messrs. Austell, Barkman, Barton, Beall, Beck, Bishop, Brown, Bunch, Burgess, Byrne, Calvert, Cannon, Desha, Douglas, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Hill, Hockersmith, Holmes, Jacoway, Johnson, Jones of Conway, Jernigin, Logan, Morton, Moulden, Newton, Nunn, Poe, Smithson, Stillwell, Wade, Whinery, Williams, Wilson and Wood—40.

Those voting in the negative, are

Messrs. Allen, Bruton, Butts, Edmondson, Harris, Hunter, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Macon, Miller, Montgomery, Neale, Norsworthy, Pettigrew, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow, Terry, Tuley, Watson, Witt and Mr. Speaker—28.

So the vote laying the resolution on the table till the 4th July next was reconsidered.

Whereupon, Mr. Logan asked and obtained leave to withdraw said resolution.

The following message was received from the Governor:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 20th day of December, 1854, he approved and signed "an act imposing additional duties upon the treasurers of Union and St. Francis counties."

An act to be entitled "an act to compensate John C. Peay, sheriff of Pulaski county, for certain services."

"An act supplementary to an act to attach a part of the county of Van Buren to the county of Pope," approved 12th January, 1853.

"An act to repeal a part of the 1st section of an act supplementary to an act to incorporate the Clarksville Institute."

"An act to authorize the common school commissioner of Conway county to dispose of the 16th section in township 7 north, range 15 west."

And, "an act supplemental to an act to incorporate Perkins Institute, in Smithville, Lawrence county."

And also, two joint resolutions, one instructing our Senators and Representatives in Congress to use their best efforts to procure the passage of a law, granting to the Border railroad alternate sections of land for the use and benefit of said road; and the other resolution providing for a joint committee to investigate and enquire into all the facts in relation to the manner in which the laws for the reclamation of the swamp and overflowed lands in this State have been administered during the last three years, and especially whether the commissioners have entered into any contract with Mr. Thomas Peters, or any one else, for the reclamation of all the said lands in the State, and if so, to report to this General Assembly as soon as practicable, all the facts in relation to said contract, and the administration of said laws, etc.

21st December, 1854.

R. H. JOHNSON,
Private Secretary.

The following communication was received from the Governor, by the hands of his private secretary:

EXECUTIVE OFFICE,
Little Rock, Arkansas,
Dec. 21st, 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

The Governor has received and herewith transmits a printed copy of the report of the survey of the Memphis and Little Rock railroad, and a copy of a letter from the president of the company is also transmitted; these documents afford information of public interest, and are therefore laid before you.

ELIAS N. CONWAY.

On motion of Mr. Poe, the House adjourned until to-morrow morning 9 o'clock.

SAML. MITCHELL,
Speaker Ho. of Reps.

FRIDAY, *Dec. 22d*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

Yesterday's journal was read and approved.

Mr. Beck made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 77, entitled an act to repeal an act the better to define the western boundary line of Izard county, approved 24th December, 1840, have considered the same and find that the county of Marion was constituted at the session of 1836, and contained about

1800 square miles; during the session of 1838, the county of Searcy was created out of the southern part of Marion county, leaving the county of Marion with an area of about 900 square miles, and during the session of 1840, four townships, or 144 square miles, was, by the act of the legislature, stricken off to Izard county, reducing the county of Marion to a less area than is prescribed by the constitution, which says, in article 4th of section 29, "No county now established by law, shall ever be reduced by the establishment of any new county or counties, to a less area than nine hundred square miles, nor shall any county be hereafter established, which shall contain less than 900 square miles, except Washington, which may be reduced to 600 square miles."

At the session of 1842, the county of Izard was divided, and the county of Fulton created, and that part so taken from the county of Marion, was attached to Fulton county, and your committee after due deliberation and thorough examination of the subject, are of opinion that the act of 1840, reducing the county of Marion below 900 square miles, is unjust and injurious to the county of Marion, and certainly the result of hasty legislation; therefore your committee report a bill as a substitute, and recommend its passage.

BECK, *Chairman.*

Mr. Burgess made the following minority report:

Mr. Speaker:

The minority of the committee to whom was referred House bill No. 77, entitled an act to repeal an act the better to define the western boundary line of Izard county, approved 24th December, 1840, beg leave to dissent from the report of the majority, and recommend that the bill be rejected, because the county of Fulton has not now a sufficiency of territory, and the act of the legislature, taking such territory from the county of Marion, was a public act, and if injustice has been done the said county of Marion, it cannot be remedied by this legislature, and the only way of deciding this question is by reference to the judicial authorities of the State.

BURGESS.

Said substitute, reported by the majority of the committee, entitled an act the better to define the boundary line of Marion county, and for other purposes, was read a first time.

On motion of Mr. Stringfellow, the rules were suspended and the bill read a second and third time.

The question now being on the passage of said bill,

Mr. Burgess called for the yeas and nays, which call was sustained and the roll was called.

Those members voting in the affirmative, are

Messrs. Barkman, Barton, Beck, Bishop, Byrne, Cannon, Desha, Douglas, Edmondson, Flippin, Gregg, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Leslie, Miller, Moulden, Newton, Primm, Ramsey, Smithson, Stillwell, Watson, Wilson, Wood and Mr. Speaker—29.

Those voting in the negative, are

Messrs. Atistell, Bruton, Bunch, Burgess, Butts, Calvert, Ederington, Gordon, Guice, Harris, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Macon, Montgomery, Norsworthy, Nunn, Poe, Puryear, Terry, Whinery and Witt—23.

So said bill passed.

Mr. Gordon introduced a bill entitled an act to extend the charter of a toll bridge, for James Campbell, in Conway county, Arkansas.

Which was read a first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second and third time and passed.

Mr. Butts was called to the chair.

Mr. Neale introduced a bill, entitled an act to increase the fees of officers in Chicot and Desha counties.

Which was read a first time.

On motion of Mr. Neale, the rules were suspended, the bill read a second and third time and passed.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to the amendment of the House to Senate bill No. 58, to be entitled "an act to incorporate the town of Des Arc, in Praire county."

The Senate have assented to House bills, to be entitled as follows: No. 176, to be entitled an act to incorporate the town of Magnolia, in Columbia county.

No. 249, to be entitled an act to amend the charter of the city of Little Rock.

No. 229, to be entitled an act to change the time of holding the courts in the 4th judicial circuit.

All of which are herewith returned.

The Senate have passed Senate bill No. 78 to be entitled an act for the relief of S. D. Dickson, of Drew county.

Also, Senate bill No. 65, to be entitled an act to erect a bridge across Big Mulberry.

Both of which are herewith transmitted for the assent of the House, which is respectfully asked.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Desha introduced House bill No. 270, to be entitled an act for the relief of L. D. Sutton, of Independence county, Arkansas.

Which was read a first time.

On motion of Mr. Desha, the rules were suspended, the bill read a second time, and

On motion of Mr. Montgomery, referred to the committee on the judiciary.

On motion of Mr. Barton, the vote rejecting House bill No. 234, entitled an act regulating the fees of justices of the peace, was reconsidered, and the bill,

On motion of Mr. Desha, referred to a select committee, consisting of Messrs. Desha, Byrne and Barton.

Mr. Beall introduced House bill No. 271, to be entitled an act further to regulate proceedings before justices of the peace in Clark county.

Which was read a first time.

On motion of Mr. Beall, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Beall, Barkman, Bruton, Bishop and Gregg.

Mr. Terry introduced House bill No. 272, to be entitled an act to change the time of holding the probate courts in the county of White.

Which was read a first time.

On motion of Mr. Morton, the rules were suspended, the bill read a second and third time and passed.

Mr. Bruton offered the following resolution:

Resolved, That this House entertain no more local business after Friday, the 29th inst., without special leave obtained.

Mr. Jernigin moved to lay said resolution on the table till the 4th July.

Mr. Bruton called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Barkman, Barton, Beall, Bishop, Burgess, Byrne, Cannon, Edmondson, Ederington, Flippin, Gould, Guice, Harris, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Miller, Morton, Moulden, Neale, Norsworthy, Nunn, Primm, Smithson, Stillwell, Stringfellow, Terry, Wilson, Witt and Mr. Speaker—39.

Those voting in the negative, are

Messrs. Austell, Beck, Brown, Bruton, Bunch, Butts, Calvert, Desha, Douglas, Gordon, Jacoway, Macon, Montgomery, Newton, Pettigrew, Puryear, Ramsey, Rector, Rice, Tuley, Watson, Whinery, Williams and Wood—24.

So the resolution was laid on the table.

On motion of Mr. Tuley, House bill No. 83, to be entitled "an act to repeal an act to declare Plum Bayou navigable," was taken up, when

On motion of Mr. Speaker the House refused to concur in the amendment of the Senate, proposed to said bill.

On motion of Mr. Smithson, House bill No. 98, to be entitled "an act to authorize certain counties in the State of Arkansas to obtain field notes and maps of the lands in said counties," was taken up and read a second time.

Mr. Brown moved to amend said bill by inserting Crawford county.

Mr. Redmond moved to amend said bill by inserting Monroe county.

Mr. Nunn moved to amend said bill by inserting Lawrence county.

Mr. Jernigin moved to amend said bill by inserting Polk county.

Mr. Byrne moved to amend said bill by inserting Columbia county.

Mr. Rice moved to amend said bill by inserting Phillips county.

Mr. Hunter moved to amend said bill by inserting Randolph county.

Mr. Desha moved to amend said bill by inserting Independence county.

Mr. Allen moved to amend said bill by inserting Ashley county.

All of which amendments were adopted, and

On motion of Mr. Wilson, said bill was ordered to be engrossed, and made the order of the day for Tuesday next.

On motion of Mr. Neale, the House adjourned.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

SATURDAY, *Dec.* 23*d*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Mr. Pettigrew presented the petition of sundry citizens of Sevier county, praying a donation of one section of land to Capt. John Graham & Co., for building the first steamboat in the State of Arkansas.

Which petition, on motion of Mr. Pettigrew, was referred to the committee on memorials.

The following message was received from the Senate:

Mr. Speaker:

I have the honor to inform your honorable body that the Senate have assented to House bill to be entitled "an act to incorporate Clarksville Female Seminary."

Which is herewith returned.

The Senate have passed bill 83, to be entitled an act to change in part, the time of holding the 6th judicial circuit courts.

Which is herewith transmitted for your consideration.

W. L. D. WILLIAMS,
Sec'y of the Senate.

Mr. Gould presented the petition of sundry citizens of Clark and Pike counties, asking a change of the line between the same.

Mr. Beall moved to lay said petition on the table till the 4th July.

Which motion was lost, and the petition, on motion of Mr. Gould, referred to the committee on county and county lines.

On motion of Mr. Bunch, leave of absence was granted Mr. Harris.

On motion of Mr. Byrne, leave was also granted Mr. Hill, and

On motion of Mr. Guice, the door keeper had leave till Monday evening next.

Mr. Edmondson proposed the following amendment to the constitution, to wit: "That the county of Sebastian may be reduced in her constitutional limits to 550 square miles; *Provided*, Said county shall not be so reduced unless upon said reduction she shall have within her reduced limits, the present required constitutional population.

Mr. Whinery offered the following resolution:

Resolved, That the House of Representatives adjourn *sine die*; on the 8th January, and the Senate be requested to concur herein.

Mr. Puryear moved to amend said resolution as follows, to wit: amend by striking out the 8th January and insert the following, "that we will meet promptly and work diligently until we get through with the important business, as we have done but little yet."

On motion of Mr. Tuley, the resolution and amendment were laid on the table till the 4th July next.

Mr. Miller moved an adjournment till Tuesday morning, 9 o'clock.

Mr. Wood called for the yeas and nays, which call being sustained, the roll was called.

Those voting to adjourn, are

Messrs. Barkman, Barton, Brown, Burgess, Gregg, Hunter, Miller, Neale and Mr. Speaker—9.

Those voting in the negative, are

Messrs. Allen, Austell, Beall, Bishop, Bruton, Bunch, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gould, Guice, Hockersmith, Holmes, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Montgomery, Morton, Moulden, Newton, Norsworthy, Nunn, Pettigrew, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Tuley, Watson, Whinery, Williams, Wilson, Witt and Wood—49.

So the House refused to adjourn.

Mr. Primm offered the following resolution:

Resolved, That the judiciary committee be instructed to enquire into the propriety of a law vesting the legal title to the assets of the State Bank in the State of Arkansas, and also, to enquire into the propriety of a law authorizing a transfer of the assets of the State Bank, to the creditors of the State of Arkansas, as a payment of so much of the State debt as the available assets thereof may amount to, and report by bill or otherwise.

Which was adopted.

Mr. Calvert gave notice that he would, on Tuesday next, or some convenient time thereafter, introduce a bill authorizing individuals or companies to build dams for the erection of mills, or other machinery across streams heretofore declared navigable by the statute laws of the State of Arkansas.

On motion of Mr. Logan, leave of absence was granted Mr. Terry.

On motion of Mr. Rector, the following proposed amendments to the constituton were taken up and voted on as follows, being the third reading of the same.

1st. "The Secretary of State shall be elected by the qualified voters of the State and shall hold his office for the term of four years, and until his successor is elected and qualified."

Those members voting in favor of the above first proposition, are

Messrs. Allen, Austell, Barton, Beck, Brown, Bruton, Bunch, Burgess, Butts, Calvert, Desha, Douglas, Edmondson, Ederington, Flippin, Gould, Gregg, Guice, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Miller, Montgomery, Morton, Moulden, Neale, Newton, Nunn, Pettigrew, Primm, Puryear, Rector, Redmond, Rice, Smithson, Stillwell, Tuley, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—51.

Those members voting in the negative, are

Messrs. Barkman, Beall, Bishop, Byrne and Cannon—5.

So the first proposition passed.

2d. "The Auditor and Treasurer shall be elected by the qualified voters of this State, shall hold their offices for the term prescribed by law, and until their successors are elected and qualified."

Those voting in the affirmative, on the second proposition, are

Messrs. Allen, Austell, Barton, Beck, Brown, Bruton, Bunch, Burgess, Butts, Calvert, Desha, Douglas, Edmondson, Ederington, Flippin, Gould, Gregg, Guice, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Miller, Montgomery Morton, Moulden, Neale, Newton, Nunn, Pettigrew, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Tuley, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—52.

Those voting in the negative, are

Messrs. Barkman, Beall, Bishop, Byrne and Cannon.

So the second proposition passed also.

3d. "The Chief Justice of this State and the associate judges of the supreme court shall be elected by the qualified voters of this State, and hold their offices for the term prescribed by law, and until their successors are elected and qualified."

Those voting in the affirmative, on the third proposition, are

Messrs. Allen, Austell, Barton, Beck, Brown, Bruton, Bunch, Burgess, Butts, Calvert, Cannon, Douglas, Edmondson, Ederington, Flippin, Gould, Gregg, Guice, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Miller, Montgomery, Morton, Moulden, Neale, Newton, Nunn, Pettigrew, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Tuley, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—52.

Those members who voted in the negative, are

Messrs. Barkman, Beall, Bishop, Byrne and Desha—5.

So the third proposition passed.

Mr. Nunn offered the following proposed amendments to the constitution, to wit:

Resolved by the General Assembly of the State of Arkansas, That the following amendments be proposed to section 29 of article 4, of the constitution of the State of Arkansas.

1st. That the counties of Green and Poinsett may be reduced to not less than 700 square miles, and a population not less than the ratio of representation, so that a new county may be formed of a like territory.

2d. That the county of Lawrence may be reduced to not less than 700 square miles, so as to admit of the formation of a new county, with a territory of not less than 700 square miles, and a population of not less than the ratio of representation.

3d. That the counties of Jackson and St. Francis, may be reduced to not less than 700 square miles each, and a population not less than the ratio of representation, so as to admit of the formation of a new county of like territory.

Mr. Miller moved an adjournment till Tuesday morning 9 o'clock.

Mr. Wood called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Burgess, Hunter, Miller and Mr. Speaker—5.

Those members voting in the negative, are

Messrs. Austell, Barkman, Barton, Beall, Beck, Bishop, Brown, Bruton, Bunch, Butts, Byrne, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gould, Gregg, Guice, Hockersmith, Holmes, Johnson, Jones of Conway, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Pettigrew, Primm, Puryear, Rector, Redmond, Rice, Smithson, Stillwell, Tuley, Watson, Whinery, Williams, Wilson, Witt and Wood—51.

So the House refused to adjourn.

Mr. Bruton offered the following resolution:

Resolved, That no further leave of absence shall be granted to members of this House during one week, without first showing a full and satisfactory reason for such absence.

Mr. Neale moved to lay said resolution on the table till the 4th July.

Mr. Bruton called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Barkman, Edmondson, Gregg, Guice, Hunter, Jones of Conway, Jernigin, Logan, Moulden, Neale, Norsworthy, Nunn and Stillwell—15.

Those members who voted in the negative, are

Messrs. Barton, Beall, Beck, Bishop, Brown, Bruton, Bunch, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Ederington, Flippin, Gould, Hockersmith, Johnson, Jones of Hot Spring, Leslie, Macon, Montgomery, Morton, Newton, Pettigrew, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Watson, Whinery, Williams, Witt, Wood and Mr. Speaker—39.

So the motion to lay on the table did not prevail, and the resolution adopted, by motion of Mr. Bruton.

On motion of Mr. Redmond, House bill No. 111, to be entitled an act to pay for the printing and binding of the 14th volume, and the printing of the 15th volume of the Supreme Court Reports of this State, was taken up and read a second time.

On motion of Mr. Gregg, the rules were suspended, the bill read a third time and passed.

Senate bill No. 64, to be entitled an act for the relief of Henry Shores, and his wife Caroline, and for other purposes, was taken up and read a first time.

On motion of Mr. Redmond, the rules were dispensed with, the bill read a second and third time and passed.

Mr. Smithson introduced House bill No. 280, to be entitled an act to repeal in part an act amendatory of existing laws regulating the landed interests of this State.

Which was read a first time.

On motion of Mr. Smithson, the rules were suspended, the bill read a second time, and

On motion of Mr. Redmond, referred to the committee on the judiciary.

Mr. Douglas introduced House bill No. 281, to be entitled an act to amend the criminal law of this State, under the head of Sabbath breaking.

Which was read a first time.

On motion of Mr. Douglas, the rules were suspended, the bill read a second time, and

On motion of Mr. Moulden, referred to the committee on the judiciary.

On motion of Mr. Edmondson, House bill No. 161, to be entitled an act to regulate the practice concerning depositions, was taken up, and the amendments thereto, reported by the judiciary committee, read a first time.

On motion of Mr. Edmondson, the rules were suspended, the amendments read a second time, adopted and the bill ordered to be enerossed for a third reading on Wednesday next.

On motion of Mr. Stillwell, House bill No. 96, to be entitled an act to increase the pay of grand and petit jurors, in the county of Pulaski, was taken up.

Mr. Hockersmith moved to amend said bill by inserting the county of "Saline," which amendment was agreed to and the bill, as amended, read a third time and passed.

On motion of Mr. Desha, House bill No. 86, to be entitled an act to authorize justices of the peace to issue executions upon judgments obtained before justices of the peace, other than themselves, was taken up, and the amendments thereto reported by the judiciary committee, Nov. 28th, read, adopted and the bill, as amended, read a third time and passed.

Mr. Hunter introduced House bill No. 282, to be entitled an act more fully to perfect sheriff's and collector's bonds, and to add in addition to other penalties forfeiture of office in certain cases.

Which was read a first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

On motion of Mr. Nunn, House bill No. 12, to be entitled an act to amend in part the 16th chapter of the Digest, under the head of attachments before justices of the peace, was taken up.

Mr. Gregg moved to amend the first section of said bill by inserting between the words "county" and "stating" "in the form as set forth in the 2d section of said chapter," and by striking out in section 3d the words "the cost of such writ," and insert in lieu thereof "all costs which have accrued up to the time of dissolving such writ."

Amend section 2d by adding the words "which issue shall be tried by the justice or by the jury, as now prescribed by law, if either party require a jury on the return day of the writ."

All of which amendments were read twice and adopted, and the bill as ameded ordered to be engrossed for a third reading on Wednesday next, by motion of Mr. Nunn.

Mr. Neale asked and obtained leave of absence for a few days for Mr. Jones of Lawrence.

On leave granted, Mr. Rector made the following report.

Mr. Speaker:

The select committee to whom was referred the subject matter contained in his Excellency's message, *ad interim*, of the auditor of public accounts, have had the same under consideration, and are of opinion that the constitution and laws require such election to be holden, and recommend that said election be made by a convention of the General Assembly at as early a period as may be.

RECTOR, *Chairman.*

Mr. Nunn offered the following resolution:

Resolved, That the two Houses of the General Assembly will convene in the hall of the House of Representatives, this evening at 3 o'clock, for the purpose of electing an auditor of public accounts, to fill the vacancy spoken of in the above report.

Mr. Barton moved to amend said resolution by striking out "3 o'clock," and inserting "Monday next at 11 o'clock."

Which amendment, on motion of Mr. Nunn, was laid on the table, and the resolution adopted.

On motion of Mr. Williams, House bill No. 131, to be entitled an act to provide for the refunding of swamp land scrip, located on unconfirmed swamp and overflowed lands, and to confirm certain irregular entries, and for other purposes, was taken up.

Mr. Williams moved to amend the 5th section of said bill in the 1st proviso, by striking out the words "the preceding," and insert in lieu thereof, the word "this."

Amend 2d by adding to the 5th section the following: "*Provided furthermore*, That nothing in this section contained shall be so construed as to confirm any such entry where the same was made upon any swamp and overflowed lands, to which any pre-emptioner, under the provisions of the 10th section of an act, entitled an act amendatory of existing laws, regulating the landed interests of this State, approved 12th January, 1853, had a right of pre-emption at the time at which such entry was made, or to any conflicting entries, but the same shall be determined as to preference by existing laws.

Which amendment was read a first time, and the bill, together with said amendment, recommitted to the committee on the judiciary, by motion of Mr. Watson.

Mr. Rector introduced House bill No. 284, to be entitled an act to authorize Benjamin F. Danley, of Pulaski county, to build, erect and keep a toll bridge across Palarm creek, in the said county of Pulaski.

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Williams, the House took a recess until 3 o'clock, P. M.

3 o'clock, P. M.

The House convened.

On motion of Mr. Guice, the House adjourned until Tuesday morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

TUESDAY, *Dec. 26th*, 1854.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

The Speaker announced that petitions from counties were in order.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The standing committee on claims, to whom was referred House bill No. 205, have had the same under consideration, and have instructed me, and I now ask leave to report the same back to the House and recommend its passage, with the following amendment, to wit: amend 2d section, line 5, by striking out "$200" and inserting in lieu thereof "100."

P. M. JOHNSON, *Chairman.*

Mr. Wood offered the following resolution:

Resolved, That the House do hereafter hold evening sessions.

The question being on the adoption of said resolution,

Mr. Wood called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Beck, Brown, Bruton, Bunch, Burgess, Butts, Calvert, Cannon, Douglas, Ederington, Flippin, Gould, Guice, Jones of Conway, Jones of Hot Spring, Leslie, Logan, Macon, Morton, Moulden, Newton, Pettigrew, Primm, Puryear, Ramsey, Redmond, Rice, Watson, Witt and Wood—32.

Those members who voted in the negative, are

Messrs. Barkman, Barton, Beall, Desha, Gregg, Haggin, Holmes, Hunter, Johnson, Jones of Desha, Jernigin, Montgomery, Neale, Nunn, Rector, Smithson, Stringfellow, Tuley, Whinery, Williams, Wilson and Mr. Speaker—22.

So the resolution was adopted.

Mr. Beall asked and obtained leave of absence for Mr. Byrne, on account of indisposition.

Mr. Wood offered the following resolution:

Resolved, That the committee on ways and means, be required to examine section 20 of chapter 65 of the Digest, and enquire into the expediency of more particularly defining the amount of property exempt from execution, particularly as to the amount of household furniture each family shall be, or is allowed, and report by bill or otherwise.

Which was lost.

Mr. Ederington introduced House bill No. 285, to be entitled an act to amend the road law.

Which was read a first time.

On motion of Mr. Ederington, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Austell introduced a bill, to be entitled an act amendatory of an act concerning forfeited lands, and for other purposes, approved January 11th, 1851.

Which was read a first time.

On motion of Mr. Austell, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

Mr. Burgess presented the report of the internal improvement commissioner of Fulton county, which was,

On motion of Mr. Bruton, referred to the committee on internal improvements.

House bill No. 98, entitled an act to authorize certain counties in the State of Arkansas, to obtain field notes and maps of the lands in said counties, was taken up, read a third time and passed.

On motion of Mr. Wood, Senate resolution, instructing our delegation in Congress to use their exertions to procure the establishment of a semi-weekly mail, by stages, from Batesville, via Yellville, Carrolton and Huntsville to Fayetteville, was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second and third time and adopted.

On motion of Mr. Wood, Senate resolution, instructing our delegation in Congress to use their efforts to procure the transportation of the mail in two horse coaches, once a week, from Ozark, by way of St. Paul, to Huntsville, thence by way of William Easley's to Bentonville, and from thence to Maysville, on the present established mail route, was taken up and read a first time.

On motion of Mr. Wood the rules were suspended, the bill read a second and third time and adopted.

The following message was reccived from the Senate:

Mr. Speaker:

I have the honor to inform your honorable body, that the Senate have assented to House bills, to wit:

House bill 251, entitled an act to incorporate the Princeton Male Academy.

House bill No. 252, entitled an act to seperate the county and probate courts of the county of Dallas.

House bill 219, entitled an act to fix the time of holding the county and probate courts of Fulton county.

House bill No. 247, entitled an act to authorize the clerk of the county and circuit courts of Randolph county, to transcribe certain records of said county.

House bill No. 248, entitled an act to call in the scrip of Lawrence connty.

All of which are herewith returned.

The Senate have adopted a joint resolution preventing members of this General Assembly, absent without sufficient cause, from receiving their per diem.

The Senate have passed Senate bill No. 80, entitled an act for the relief of Nathaniel K. Jones, of Dallas county, both of which are herewith transmitted for your consideration.

The Senate have receded from their amendment to House bill

No. 83, entitled an act to repeal an act to declare Plum Bayou navigable, which is herewith returned.

W. L. D. WILLIAMS,
Secretary of Senate.

On motion of Mr. Puryear, House resolution instructing our Senators and requesting our Representatives to use all honorable means to procure the passage of an act granting lands to the State of Arkansas to aid in the construction of a railroad from the Missouri line to Helena, Arkansas, was taken up, read a third time and adopted.

On motion of Mr. Guice, House bill No. 104, to be entitled an act to amend section 11 of an act entitled an act amendatory of existing laws regulating the landed interests of this State, was taken up, and the amendment proposed thereto by the swamp land committee adopted.

Mr. Rector moved to amend said bill by adding "after such lands shall have been reported by the local agent."

Which amendment was read and adopted, and the bill,

On motion of Mr. Guice, was ordered to be engrossed and made the order of the day for to-morrow.

Mr. Burgess called up House bill No. 233, to be entitled "an act to protect securities in criminal bonds."

Mr. Nunn moved the adoption of the report of the judiciary committee, recommending the rejection of said bill.

Mr. Burgess called for the ayes and nays, which call being sustained, the roll was called.

Those members voting in the affirmative, are

Messrs. Austell, Barkman, Beck, Bishop, Brown, Bunch, Butts, Cannon, Desha, Douglas, Ederington, Flippin, Gould, Guice, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Desha, Montgomery, Moulden, Neale, Newton, Norsworthy, Nunn, Pettigrew, Primm, Puryear, Ramsey, Smithson, Stillwell, Stringfellow, Tuley, Watson, Whinery, Wilson, Wood and Mr. Speaker—39.

Those members who voted in the negative, are

Messrs. Allen, Barton, Beall, Bruton, Burgess, Calvert, Edmondson, Haggin, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Morton, Rector, Rice and Witt—17.

So the report was adopted and the bill rejected.

Mr. Gregg was called to the chair.

On motion of Morton, Senate bill No. 65, entitled "an act to erect a bridge across Big Mulberry creek, in Franklin county," was taken up and read a first time.

On motion of Mr. Morton, the rules were suspended, the bill read a second and third time and passed.

Mr. Gould had leave to withdraw House bill No. 106, and introduce a bill, entitled "an act to amend the 81st chapter of the Digest, under the head of *habeas corpus*."

Which was read a first time.

On motion of Mr. Gould, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Desha, Senate bill No. 56, entitled "an act in relation to the Mississippi, Ouachita and Red river railroad company," was taken up and read a first time.

On motion of Mr. Desha, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Holmes, Senate bill No. 80, entitled "an act for the relief of Nathaniel K. Jones, of Dallas county," was taken up and read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Stillwell, House bill 175, entitled "an act for the relief of William Gilliam," was taken up and the amendment of the judiciary committee adopted.

On motion of Mr. Stillwell, the rules were suspended, the bill as amended read a third time and passed.

On motion of Mr. Speaker, Senate bill No. 45, entitled "an act to regulate the compensation of the Land Attorney and State Collector of this State," was taken up.

Mr. Stillwell moved to lay said bill on the table till the 4th July.

Mr. Leslie called for the ayes and nays, which call being sustained, the roll was called.

Those voting to lay the bill on the table, are

Messrs. Austell, Barkman, Barton, Beall, Beck, Bishop, Brown, Burgess, Calvert, Cannon, Desha, Edmondson, Flippin, Gould, Guice, Haggin, Hockersmith, Holmes, Hunter, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jernigin, Macon, Montgomery, Morton, Neale, Newton, Nunn, Pettigrew, Primm, Redmond, Rice, Stillwell, Stringfellow, Tuley, Watson and Witt—38.

Those voting in the negative, are

Messrs. Allen, Bruton, Bunch, Butts, Douglas, Ederington, Gregg, Johnson, Leslie, Miller, Moulden, Norsworthy, Puryear, Ramsey, Smithson, Whinery, Williams, Wilson, Wood and Mr. Speaker —20.

So the bill was laid on the table till the 4th July next.

Mr. Bruton offered the following resolution:

Resolved, That the two Houses meet in convention on this day at half past three o'clock, P. M., for the purpose of going into the election of Auditor of Public Accounts, to fill the vcancy of Wm. R. Miller, resigned, and the Senate be requested to concur herein.

Which was adopted.

On motion of Mr. Stillwell, the consideration of House bill, entitled "an act to revise the common school system of the State of Arkansas," was postponed until to-morrow.

On motion of Mr. Holmes, House bill No. 213, entitled "an act amending the tax laws of this State," was taken up.

Mr. Williams moved to amend the 1st section of the bill by striking out "January" and inserting "December," and also by striking out section three.

Mr. Holmes moved to lay said amendment on the table till the 4th July.

Which motion was lost.

On motion of Mr. Redmond, a call of the House was had.

On motion of Mr. Moulden, said call was suspended.

The question now being on the adoption of said last amendment, Mr. Holmes called for the ayes and noes, which call was sustained, and the roll called.

Those members who voted in the affirmative, are

Messrs. Barkman, Barton, Beck, Bishop, Brown, Bruton, Bunch, Cannon, Desha, Douglas, Ederington, Flippin, Gould, Guice, Haggin, Hockersmith, Hunter, Johnson, Jones of Conway, Jernigin, Leslie, Logan, Morton, Neale, Newton, Norsworthy, Nunn, Pettigrew, Primm, Ramsey, Redmond, Rice, Smithson, Stillwell, Stringfellow, Whinery, Williams, Wilson, Wood and Mr. Speaker—40.

Those voting in the negative, are

Messrs. Allen, Austell, Beall, Burgess, Butts, Calvert, Edmondson, Gregg, Holmes, Jones of Hot Spring, Miller, Montgomery, Moulden, Puryear, Rector, Tuley, Watson and Witt—18.

So said last amendment was adopted.

Mr. Bruton moved to amend the 4th section of said bill by saying, "which penalty or forfeiture shall be paid into the common school fund."

Mr. Miller moved to lay said bill and amendments on the table till the 4th of July.

Mr. Willims called for the ayes and nays, which call being sustained, the roll was called.

Those voting to lay the bill and amendments on the table till the 4th July, are

Messrs. Allen, Austell, Barton, Beck, Bishop, Brown, Burgess, Butts, Cannon, Edmondson, Ederington, Flippin, Guice, Hockersmith, Johnson, Jones of Conway, Jones of Hot Spring, Macon, Miller, Montgomery, Moulden, Neale, Newton, Norsworthy, Primm, Rector, Rice, Smithson, Stillwell, Stringfellow, Tuley, Watson, Whinery, Wilson, Witt and Wood—36.

Those voting in the negative, are

Messrs. Barkman, Beall, Bruton, Bunch, Calvert, Desha, Gould, Gregg, Haggin, Hunter, Leslie, Logan, Morton, Nunn, Pettigrew, Puryear, Ramsey, Williams and Mr. Speaker—19.

So said bill and amendments were laid on the table till the 4th July next.

On motion of Mr. Moulden, the House took a recess till 3 o'clock. P. M.

3 o'clock, P. M.

The House convened.

On motion of Mr. Gregg, House bill No. 108, to be entitled "an act to amend section 15, chapter 71, of the Digest," was taken up, read a third time and passed.

On leave granted, Mr. Wood made the following report:

Mr. Speaker:

The committee to whom was referred Senate bill No. 53, have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

WOOD, *Chairman.*

Said bill, entitled "an act more fully to define and establish the line between the counties of Madison and Carroll," was read a third time and passed, the rules being suspended for that purpose.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have concurred in House joint resolution to go into the election of Auditor of Public Accounts, for the unexpired term of Wm. R. Miller, resigned, at half after 3 o'clock, P. M., on this day.

Which is herewith returned.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Moulden offered the following resolution:

Resolved, That the Senate be informed that the House of Representatives is now ready to receive the Senate for the purpose of going into the election of Auditor, to fill the vacancy of Wm. R. Miller, resigned.

Which was adopted.

Mr. Flippin offered the following resolution:

Resolved, That the two Houses go into the election of Land Attorney and State Collector, on to-morrow at 12 o'clock, M., and the Senate be requested to concur herein.

Mr. Nunn moved to amend by inserting "Financial Receiver."

Mr. Brown moved to amend by inserting "Treasurer."

Both of which amendments were adopted, and the resolution, as amended, also adopted.

On motion of Mr. Wood, House bill No. 127, entitled "an act to amend the 159th chapter of the Digest," was taken up.

Mr. Gregg moved to amend said bill as follows: Section 1st, by striking out the words "Revised Statutes," and insert the words "of the Digest of the Statutes of this State," and amend by striking out section 2, and insert in lieu thereof, the following:

"*Be it further enacted,* That if any person keeping such tavern or grocery, under the provisions of this act, shall knowingly permit any such gaming, as mentioned in section 1st of this act, to be played for money or property, within his or her house, outhouse, or curtilage or enclosure, he or she, upon conviction thereof, shall be deemed and adjudged guilty of a high crime, and punished as in cases of purjury."

Which amendments were adopted.

Mr. Miller moved to amend said bill by inserting, "that if any person should participate in these evils, and they lose in any games, that it shall be lawful for a recovery to be had for the amount lost.

Mr. Wood moved to lay said last amendment on the table till the 4th July.

Mr. Miller called for the ayes and nays, which call being sustained, the roll was called.

Those voting to lay the amendment on the table, are

Messrs. Allen, Austell, Barton, Beck, Bishop, Bruton, Bunch, Burgess, Butts, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Gould, Gregg, Guice, Haggin, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Leslie, Macon, Montgomery, Morton, Moulden, Newton, Nunn, Pettigrew, Primm, Puryear, Rice, Smithson, Stillwell, Watson, Whinery, Williams, Wilson, Wood and Mr. Speaker—43.

Those voting in the negative, are

Messrs. Barkman, Beall, Brown, Flippin, Jones of Desha, Jones of Hot Spring, Jernigin, Logan, Miller, Neale, Ramsey, Redmond, Stringfellow, Tuley and Witt—15.

So the amendment was laid on the table till 4th July.

Mr. Neale moved to amend the bill by exempting the county of Chicot from the operations of the same.

Mr. Tuley by exempting the county of Jefferson.

On motion of Mr. Gregg, both of said last amendments were laid on the table, and the bill,

On motion of Mr. Wood, ordered to be engrossed and made the order of the day for Saturday next.

The Senate now appeared within the hall of the House of Representatives, and were seated.

Mr. President announced that the object of the convention of both Houses was to elect an Auditor of Public Accounts, to fill the vacancy occasioned by the resignation of W. R. Miller, and that nominations were in order.

Mr. Lemoyne of the Senate nominated Mr. A. S. Huey.

No further nominations being made, the roll was called.

Mr. Huey received upon joint ballot 76 votes, 54 in the House and 23 in the Senate:

Those members of the House who voted for Mr. Huey, are

Messrs. Allen, Austell, Barkman, Beall, Barton, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Calvert, Cannon, Desha, Douglas, Edmonson, Ederington, Flippin, Gould, Gregg, Guice, Haggin, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Montgomery, Morton, Newton, Nunn, Pettigrew, Primm, Puryear, Redmond, Rice, Smithson, Stillwell, Stringfellow, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—54.

Messrs. Miller, Neale, Ramsey and Tuley of the House voted for Mr. Hutchings.

Whereupon, Mr. President announced that Mr. Huey having received a majority of all the votes cast, was duly and constitutionally elected Auditor of Public Accounts, to fill the vacancy occasioned by the resignation of W. R. Miller, esq.

The Senate now retired to their chamber.

On motion of Mr. Neale, the House adjourned till to-morrow morning 9 o'clock.

SAML. MITCHELL,
Speaker Ho. of Reps.

WEDNESDAY, *Dec. 27th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

Mr. Wood, after a few, but appropriate remarks on the death of the Hon. Wm. S. Wade, submitted the following preamble and resolutions:

WHEREAS, By the dispensation of an all-wise and overruling Providence, our esteemed friend and worthy legislator, the Hon. William S. Wade, one of the members of the House of Representatives of the present General Assembly, has been taken from our midst, and the spirit of him whose countenance gave us encouragement, and whose wise and philosophical suggestions gave weight and solemnity to our councils, has winged its way to commune with spirits of just men, in that great general assembly which shall be convened when our Almighty Father, the maker and ruler of the universe, shall summon the nations of the earth to the bar of his judgment.

And whereas, We, by this dispensation of a benificent Providence, are forced to sever our association with one of our aged, worthy and noblest citizens, whose good counsel, whose able judgment, and whose pure heart endeared him to all with whom he formed an acquaintance, and whose services at this time were so very important to the prosperity of our growing State; therefore we cannot forego the occasion to express our grief as a memento to the memory of his departed worth.

Be it therefore resolved by the General Assembly of the State of Arkansas, That in the death of the Hon. William S. Wade, we have lost an enlightened and useful member, the county of Ouachita an able and faithful representative, and society a man whose qualities of both the head and heart won for him many devoted, strong and lasting friends.

Resolved 2d, That with the relatives of the deceased, we most sincerely sympathize, and as a mark of our respect to the memory of said deceased, the House of Representatives do stand adjourned until to-morrow morning 9 o'clock, and that we will wear the usual badge upon our left arm.

Resolved 3d, That this manifestation of our grief for our deceased member shall be spread upon the journal of this House, and that copies thereof be transmitted to his bereaved family, whom, in all earnestness, we would condole in this their greatest misfortune, and that the editors of the city papers be requested to publish the same.

Resolved 4th, That a committee of five be appointed to make the necessary preparations and arrangements suitable to inter the remains of the deceased, and that the members of this House do assemble at 3 o'clock, P. M., of this day, to attend the funeral services.

Resolved further, That the editors of the Memphis and Arkansas Christian Advocate and Nashville Christian Advocate, be respectfully requested to copy the same.

Which resolutions were unanimously adopted, and the chair appointed Messrs. Wood, Desha, Bruton, Primm and Newton as such committee.

Whereupon, the clerk informed the Senate of the adoption of the above resolutions, by virtue of which the House stood adjourned until to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. Representatives.

THURSDAY, *Dec. 28th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 265, which the committee on banks had prepared and reported to this House and recommended it passage, have unanimously instructed me to report said bill back to the House and recommend its passage, without any amendment, at an early period. Said bill is hereto appended, and that its importance to the interests of the State may be made known, by a record of the same on the journals, the said bill is entitled "an act to aid in bringing to light the true condition of the Real Estate Bank of the State of Arkansas, and in holding to account and settlement those who have had charge under the deed of assignment of 2d April, 1842, and in having the trust executed," is made a part of this report.

The public interests seem to require the early passage of the bill.

REDMOND, *Chairman.*

Said above entitled bill was read a third time and passed, the rules of the House having been suspended by motion of Mr. Hill.

Mr. Redmond also made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred a bill, to be entitled "an act to provide for the building of a workshop within the walls of the penitentiary, and for other purposes," have considered the same, and a majority of said committee instruct me to report said bill back to the House, and recommend the passage of the same at an early day.

REDMOND, *Chairman.*

Mr. Wood made the following report:

Mr. Speaker:

The committee on memorials, to whom was referred House joint resolution on the subject of the right of property in slaves, etc., have had the same under consideration, and beg leave to recommend the same to the favorable consideration of this House.

Your said committee have also considered the petitions of sundry citizens of Sevier county, in this State, praying the legislature to donate one section of swamp land to John Graham & Co., and recommend that no further action be had thereon.

WOOD, *Chairman.*

On motion of Mr. Wood, the resolutions mentioned in the above report were made the order of the day for Monday next, and the report of the petition of sundry citizens of Sevier county, recommending the rejection of the prayer of the petitioners, adopted.

Mr. Williams offered the following resolution:

Resolved, That the two Houses of the General Assembly go into the election of Land Attorney and State Collector, also Financial Receiver of this State, on Saturday next, at 11 o'clock, A. M., and the Senate be requested to concur herein.

Mr. Wilson moved to amend said resolution, by inserting "State Treasurer," which amendment was agreed to, and the resoluiion, as amended, adopted.

Mr. Byrne offered the following resolution:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of regulating and changing the fees of all officers in this State, so as to make such fees appear in decimals instead of fractions, in order that they may correspond with the circulating coin of the country.

Which was adopted.

On motion of Mr. Byrne, the vote taken on House bill No. 213, entitled "an act amending the tax laws of this State," was reconsidered, and

On motion of Mr. Williams, ordered to be engrossed and made the order of the day for to-morrow.

Mr. Logan introduced a bill, entitled "an act to regulate the jurisdiction of justices of the peace in criminal cases."

Which was read a first time.

On motion of Mr. Jernigin, the rules were suspended, the bill read a second time, and

On motion of Mr. Butts, referred to the committee on the judiciary.

Mr. Williams introduced a bill, entitled "an act for the relief of Prairie county."

Which was read a first time.

On motion of Mr. Williams, the rules were suspended, and the bill read a second time.

Mr. Butts moved its reference to the committee on the judiciary—which motion was lost, and,

On motion of Mr. Williams, the rules suspended, the bill read a third time and passed.

The following message was received from the Senate:

Mr. Speaker.

I am authorized to announce to your honorable body that the Senate have assented to House bill entitled "an act to grant a charter to James H. Patterson and James F. Saffold, for the purpose of making a turnpike across the Departee swamp, immediately back of the town of Grand Glaize, in Jackson county, Arkansas, and to erect a toll gate on the same, and also, to build a bridge across Departee creek, at the point said turnpike crosses the same."

Also to House bill 170, entitled "an act to increase the pay of the judges and associate judges in Monroe and other counties," with an amendment thereto, to which the assent of your honorable body is respectfully asked.

Also to House bill 238, entitled "an act to amend the 25th section of chapter 153, of the Digest."

The Senate have unanimously concurred in House resolutions concerning the death of the Hon. W. S. Wade.

All of which are herewith returned.

The Senate have passed Senate bill 71, entitled "an act concerning the estates of deceased persons."

Which is herewith transmitted for the assent of your honorable body.

I have the honor to present for your honor's signature "an act for the relief of Henry Shores, and his wife Cornelia, and other purposes."

Also, "an act for the incorporation of the town of Des Arc, in Prairie sounty."

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Watson introduced a bill entitled "an act to amend the road laws in this State."

Which was read a first time.

On motion of Mr. Watson, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Butts introduced a bill, entitled "an act to repeal the 9th section of an act incorporating Oil Trough Academy, in Oil Trough Bottom," approved November 29th, 1852.

Which was read a first time.

On motion of Mr. Butts, the rules were suspended, the bill read a second time, and referred to the committee on education.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to change the time of holding the courts in the fourth judicial circuit."

"An act to incorporate the town of Princeton."

"An act to amend the charter of the city of Little Rock."

"An act to call in the scrip of Fulton county."

"An act to amend section 62 and 63, of chapter 67, of the Digest.'

"An act to incorporate the town of Elm Spring in Washington county."

"An act to incorporate the town of Yellville," and instruct me to report the same correctly enrolled.

HOLMES, *Chairman.*

Mr. Smithson offered the following resolution:

Resolved, That so much of the Governor's message as relates to the election by the qualified voters of each county of an attorney to transact county busines, be referred to the committee on the judiciary, and that they be required to report by bill or otherwise.

Which was adopted.

Mr. Beck introduced a bill, entitled " an act to incorporate the Southern Missouri and Northern Arkansas Railroad Company."

Which was read a first time.

On motion of Mr. Beck, the rules were suspended, and the bill read a second time.

Mr. Wood moved to amend by inserting Tilford Denton, R. T. Hawkins, Wm. M. Pain, J. G. McConnell and Elias Harrel.

Which amendment was adopted, and the bill, on motion of Mr. Gordon, referred to the committee on internal improvements.

On motion of Mr. Rector, House bill entitled "an act to provide for the building of a work shop within the walls of the penitentiary, and for other purposes," was taken up, and the amendments proposed by the committee on ways and means adopted.

Mr. Barton moved to amend section first of said bill by striking out the words "Messrs. George & Robins, of Little Rock," and insert instead thereof, the words, "the lowest bidder."

Amend section second by striking out the words "said George & Robins," and insert the words "such bidder."

Amend section third, by striking out the words said "George & Robins," and insert the words "such bidder."

Mr. Redmond moved to lay said amendments on the table till the 4th of July.

Mr. Puryear called for the ayes and nays, which was sustained, and the roll called.

Those voting to lay the amendments on the table, are

Messrs. Allen, Barkman, Beck, Bishop, Brown, Calvert, Cannon, Gould, Guice, Hill, Hockersmith, Holmes, Hunter, Jacoway, Jones of Desha, Logan, Neale, Newton, Nunn, Patterson, Pettigrew, Primm, Rector, Redmond, Stillwell, Stringfellow, Tuley, Whinery, Williams, Wilson, Witt and Mr. Speaker—32.

Those voting in the negative, are

Messrs. Austell, Barton, Beall, Bruton, Bunch, Burgess, Butts, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gregg, Haggin, Johnson, Jernigin, Leslie, Miller, Montgomery, Morton, Moulden, Norsworthy, Puryear, Ramsey, Smithson, Watson and Wood—28.

So the amendments were laid on the table till the 4th of July.

Mr. Bruton moved to amend by adding "at the expiration of said time, as provided for in the foregoing section," that the said convicts be furnished with at least two suits of suitable clothing for each and every convict in said penitentiary prison.

Mr. Neale moved to lay said amendment on the table till the 4th of July.

Mr. Bruton called for the ayes and nays on said motion—the call being sustained, the roll was called.

Those voting in the affirmative, are

Messrs. Barkman, Beck, Bishop, Desha, Edmondson, Guice, Haggin, Holmes, Jones of Desha, Jones of Hot Spring, Logan, Moulden, Neale, Nunn, Patterson, Primm, Rector, Redmond, Stringfellow, Tuley, Watson, Whinery and Mr. Speaker—23.

Those voting in the negative, are

Messrs. Allen, Austell, Barton, Beall, Brown, Bruton, Bunch, Burgess, Butts, Calvert, Cannon, Douglas, Ederington, Flippin, Gordon, Gould, Gregg, Hill, Hockersmith, Jacoway, Johnson, Jernigin, Leslie, Miller, Montgomery, Morton, Newton, Norsworthy, Pettigrew, Puryear, Ramsey, Smithson, Stillwell, Williams, Wilson and Wood—36.

So the amendment was not laid on the table.

Mr. Rector moved to amend said bill, by adding that "said suits of clothes shall be furnished at the expense of the State."

Which amendment, on motion of Mr. Ederington, was laid on the table.

Mr. Rector moved to amend further, by requiring the successors of George & Robins to furnish said two suits of clothes.

Which, on motion of Mr Bruton, was laid on the table also.

Mr. Tuley moved to lay the bill, with all the amendments thereto, on the table till the 4th of July.

Which was lost.

Mr. Hockersmith moved to amend said bill by saying, that at the expiration of the contract, Messrs. George & Robins shall not remove or take from the penitentiary any of the beds, bedding or wearing apparel of the convicts.

Which was lost.

Mr. Wood moved to take a recess till 3 o'clock.

Which was lost.

Mr. Holmes moved to amend said bill by inserting that, whenever the keepers of the Arkansas Penitentiary retire from office, they shall leave the convicts comfortably clothed.

Mr. Tuley moved to amend said amendment by saying, "at the expense of the State."

On motion of Mr. Wood, said amendment to the amendment was laid on the table till the 4th of July.

The question now being upon the adoption of the amendment offered by Mr. Holmes, the question was submitted, and decided in the affirmative.

Mr. Jones of Desha, moved to amend said bill by inserting, "at the expense of the members of the legislature."

Which was lost.

Mr. Puryear moved to amend said bill by saying, "that the said George & Robins shall be required to furnish all necessary bedding and clothing, and shall not be allowed to remove any of the said clothing or bedding, and that their successors nor State shall be required to pay said George & Robins for said clothing and bedding.

Which was lost.

On motion of Mr. Wood, said bill was ordered to be engrossed for a third reading, on Saturday next.

Mr. Holmes, on leave granted, introduced House bill No. 293, to be entitled "an act to exempt church and school property from taxation."

Which was read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second time and referred to the committee on the judiciary.

On motion of Mr. Stillwell, the House adjourned until to-morrow morning, 9 o'clock.

SAML. MITCHELL,
Speaker Ho. of Reps.

FRIDAY, *Dec. 29th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

The following message was received from the Senate:

Mr. Speaker:

I have the honor to present for your honor's signature a resolution instructing our delegation in Congress to use their best exertions to procure the establishment of a semi-weekly mail, to be carried in stages, from Batesville to Fayetteville, via Yellville, Carrollton and Huntsville.

Also a resolution instructing our delegation in Congress to use their efforts to procure the transpartation of the mail in two horse coaches, from Ozark, via St. Paul to Huntsville, thence via of William Easley's to Bentonville, and thence to Maysville, all on the present established route.

Also "an act more fully to define and establish the line between the counties of Carroll and Madison."

The Senate have assented to House bill No. 295, to be entitled "an act for the relief of Prairie county."

Also to House bill No. 98, entitled "an act to authorize certain counties in this State to obtain field notes and maps of lands in said counties."

Also to House bill No. 77, entitled "an an act better to define the eastern boundary line of Marion county, and for other purposes."

All of which are herewith returned.

The Senate have also assented to House bill No. 211, entitled "an act to regulate the sale of spirituous and vinous liquors in the counties of Phillips, Ouachita and Saline, and the township of Taylor, in Columbia county, with several amendments thereto, to which the concurrence of your honorable body is respectfully asked.

Which bill is now returned.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Newton made the following report:

Mr. Speaker:

The committee on county and county lines, to whom was referred House bill No. 240, entitled "an act to change the line between the counties of Lawrence and Fulton," have had the same under consideration, and upon the vote of ten members of the committee, five voted for a recommendation of the passage of the bill and five against it. Whereupon, it was resolved by the committee to report the bill back to the House, and that the House take such action as it may deem expedient, and your committee beg leave to be discharged from the further consideration of the same.

NEWTON, *Chairman.*

Mr. Baxter moved to amend the above entitled bill by saying, "that all laws and parts of laws which may come in conflict with any of the provisions of this act, be, and the same are hereby repealed."

Which amendment was read a first time.

On motion of Mr. Bruton, the rules were suspended, the amendment read a second time and adopted, and the bill as amended read a third time.

The question now being on the final passage of said bill, Mr.

Jones of Lawrence, called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted for the passage of said bill, are

Messrs. Barkman, Barton, Baxter, Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Cannon, Douglas, Ederington, Flippin, Gould, Gregg Haggin, Hill, Hockersmith, Jacoway, Johnson, Jernigin, Leslie, Logan, Macon, Miller, Morton, Moulden, Neale, Newton, Primm, Ramsey, Rector, Smithson, Stillwell, Terry, Watson, Williams, Wilson and Wood—41.

Those who voted against the passage of said bill, are

Messers. Allen, Austell, Beall, Calvert, Desha, Edmondson, Gordon, Guice, Holmes, Hunter, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Montgomery, Norsworthy, Nunn, Patterson, Pettigrew, Puryear, Redmond, Stringfellow, Whinery, Witt and Mr. Speaker—24.

So the bill passed.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have carefully examined "an act to be entitled an act for the benefit of actual settlers upon lands forfeited to the State for the non-payment of taxes."

"An act to incorporate Clarksville Female Seminary."

"An act to incorporate the Trustees of the Princeton Male Academy."

"An act to call in the scrip of Lawrence county."

"An act to repeal an act entitled an act to declare Plum Bayou navigable," approved January 10th, 1853.

"An act to authorize the clerk of the county and circuit court of Randolph county to transcribe certain records of said county."

"An act to fix the time of holding the county and probate coorts of Fulton county."

"An act to seperate the county and probate courts of the county of Dallas," and have instructed me to report the same as correctly enrolled.

HOLMES, *Chairman.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 270, entitled "an act for the relief of L. D. Sutton, of Independence county," have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

The same committee have considered House bill No. 261, entitled "an act better to secure the rights of plaintiffs in certain cases," and a majority of said committee instruct me to report the same back to the House and recommend its rejection.

They have also considered House bill No. 255, entitled "an act to amend an act to grant a charter to John O. Beard, to erect a bridge across Cashe river," and instruct me to report the same back to the House, with the following amendment, to wit:

In the fourth line of the second section, strike out "fifteen" and insert in lieu thereof "ten;" and in the fifth line, second section, strike out "seventy-five" and insert in lieu thereof "sixty," and recommend its passage as amended.

Also, House bill No. 260, entitled "an act to pay jailors for keeping prisoners," and, without amendment, recommend its passage.

Also, House bill No. 237, entitled "an act to provide for the payment of a decree against the State bank, in favor of James M. Curran;" and after examining into the facts connected with said decree, are of opinion that it would be most conducive to the interest of the State to pay the amount provided for in said bill, and thereby avoid any further litigation upon the subject. The committee report the bill back, without amendment, and recommend its passage.

Also, House bill No. 281, entitled "an act to amend the criminal law of this State, under the head of Sabbath breaking." The committee have made the following amendment to said bill, to wit: In the sixth line of the second section, between the words "shall" and "to" insert the word "also;" and, as amended, recommend its passage.

Also, House bill No. 256, entitled "an act to change the attachment law in certain courts, in certain cases," and recommend its rejection.

Also, House bill No. 282, entitled "an act more fully to perfect sheriffs' and collectors' bonds, and to add, in addition to other penalties, forfeiture of office in certain cases;" and, without amendment, recommend its passage.

DESHA, *Chairman.*

Mr. Smithson made the following report:

Mr. Speaker:

The committee on public buildings, to whom was referred the resolution inquiring as to the necessity of making immediate repairs on the roof or covering of the hall of the House of Representatives, with the view of giving more security to the craniums of the members, would most respectfully report that they have considered the same, and after examination, find the roof or covering of the hall of the House of Representatives in a dilapidated condition, and the same wants covering; but as it will greatly retard the business of the House, at this late period of the session, your committee are of the opinion that it would be inexpedient to unroof the House of Representatives during its present session, and therefore recommend that each member take care of his own cranium the best way that he can.

SMITHSON, *Chairman.*

Which report was adopted.

Mr. Beck presented the report of the internal improvement commissioner of Izard county.

Mr. Jones of Hot Spring presented the report of the internal improvement commissioner of Hot Spring county.

Both of which reports were, on motion of Mr. Wood, referred to the committee on internal improvements.

Mr. Whinery offered the following resolution:

Resolved, That the committee on ways and means be instructed to inquire into the expediency of establishing a lunatic asylum in this State.

Which was adopted.

Mr. Bunch was called to the chair.

Mr. Rector introduced a bill, entitled "an act to change the name of Elizabeth Agnes Coulter to Elizabeth Agnes Dempsey, and for other purposes."

Which was read a first time.

On motion of Mr. Rector, the rules were suspended, the bill read a second time, and

On motion of Mr. Barton, further suspended, bill read a third time and passed.

Mr. Witt introduced a bill, entitled "an act to graduate the price of saline lands in Van Buren county."

Which was read a first time.

On motion of Mr. Witt, the rules were suspended, the bill read a second time, and

On motion of Mr. Wood, referred to the committee on State lands.

On motion of Mr. Holmes, the House took a recess till three o'clock, P. M.

3 O'CLOCK, P. M.

The House convened.

Mr. Smithson offered the following resolution:

Resolved, That the use of the hall of the House of Representatives be tendered to the citizens present in Little Rock, on Saturday, the 30th day of December, 1854, for the purpose of appointing delegates to represent the State of Arkansas in the great Southern and Southwestern Commercial Convention, to be held at New Orleans, on Monday the 8th of January next.

Which was adopted.

Mr. Jones of Desha, on leave granted, introduced House bill No. 298, to be entitled "an act to increase the fees of the judges of the probate and county courts of the county of Desha, and for other purposes."

Which was read a first time.

On motion of Mr. Jones of Desha, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Redmond, House bill No. 170, to be entitled "an act to increase the pay of the judges and associate justices in Monroe and other counties," was taken up, and the amendments thereto proposed by the Senate, read a first time; when,

On motion of Mr. Tuley, the first amendment proposed by the Senate, adding to said bill the county of Jefferson, was non-concurred in.

On motion of Mr. Redmond, the second amendment was read a second time and adopted.

Mr. Patterson introduced, on leave granted, House bill No. 299, to be entitled "an act for the benefit of witnesses, in certain cases, in the county of Jackson."

Which was read a first time.

On motion of Mr. Patterson, the rules were suspended, the bill read a second and third time and passed.

Mr. Brown introduced House bill No. 300, to be entitled "an act to call in the scrip of Crawford county."

Which was read a first time.

On motion of Mr. Morton, the rules were suspended, the bill read a second and third time and passed.

Mr. Jones of Conway, asked and obtained leave to withdraw House bill No. 174, to be entitled "an act to call in the scrip of Conway county."

On motion of Mr. Gordon, House bill No. 178, entitled "an act to pay for work done on the State House furniture," etc, was taken up, read a third time and passed.

On motion of Mr. Newton, Senate bill No. 83, to be entitled "an act to change in part the time of holding the circuit courts in the sixth judicial circuit," was taken up and read a first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Patterson, House bill No. 205, to be entitled an act for the relief of John H. Byers," was taken up.

Mr. Patterson moved to reject the amendment heretofore reported to said bill by the committee on claims.

Which was carried.

Mr. Redmond moved to amend said bill by inserting, "that the said Byers should be paid with swamp land scrip."

Which was adopted, and the bill, as amended, read a third time and passed, the rules having been suspended by motion of Mr. Baxter.

Mr. Smithson introduced a bill, entitled "an act to amend an act entitled an act to incorporate Arkansas College."

Which was read a first time.

On motion of Mr. Smithson, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Tuley, the House adjourned until to-morrow morning, 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

SATURDAY, *Dec.* 30*th*, 1854.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

On motion of Mr. Cannon, leave of absence was granted Mr. Bishop.

Mr. Wood made the following report:

Mr. Speaker:

Your committee of arrangements, to make preparations for the interment of the remains of our deceased brother, the Hon. W. S. Wade, performed that solemn duty according to their best discretion, and find that, in addition to said funeral expenses, there was considerable outlay for medical and other attendance on our worthy brother, during his last illness, for the payment of all of which your committee recommend an appropriation, and herewith present a resolution for that purpose.

WOOD, *Chairman.*

Said accompanying resolution, appropriating $255 80 to pay the funeral expenses of the Hon. W. S. Wade, and for carrying the body of the same to his residence in Ouachita county, was read a first time.

On motion of Mr. Wood, the rules were suspended, the resolution read a second and third time and adopted.

Petitions from counties were in order.

Mr. Patterson presented the petition of sundry citizens of Jackson county, asking a division of said county, so as to form a new county of the southern end thereof.

Which, on motion of Mr. Patterson, was referred to the committee on counties and county lines.

Mr. Hockersmith presented the petition of sundry citizens of Saline county, asking the ballot system of voting, in this State, to be revived.

Reports from standing committees were in order.

Reports from select committees were in order.

Motions and resolutions were in order.

Mr. Smithson offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That no new bill shall be introduced after the 10th of January next, without the unanimous consent of the House.

Mr. Tuley moved to lay said resolution on the table.

Mr. Bruton called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Barton, Brown, Burgess, Byrne, Edmondson, Flippin, Haggin, Hill, Holmes, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Jernigin, Leslie, Logan, Miller, Morton, Neale, Norsworthy, Patterson, Pettigrew, Primm, Rector, Redmond, Rice, Stillwell, Stringfellow, Terry, Tuley, Witt and Mr. Speaker—31.

Those members who voted in the negative, are

Messrs. Austell, Baxter, Beall, Beck, Bruton, Bunch, Butts, Calvert, Cannon, Desha, Douglas, Ederington, Gordon, Gould, Gregg, Guice, Hockersmith, Jones of Conway, Matthews, Montgomery, Moulden, Newton, Nunn, Puryear, Ramsey, Smithson, Watson, Whinery, Wilson and Wood—32.

So the motion did not prevail.

Mr. Wilson moved to amend said resolution by inserting "two-thirds" in place of unanimous.

Which was agreed to.

Mr. Butts moved to amend by inserting "the 5th of January" in place of the 10th.

Which was lost.

On motion of Mr. Miller, said resolution was laid on the table till the 4th of July next.

Mr. Baxter offered the following resolution:

Resolved, That this General Assembly adjourn *sine die* on Monday, the 15th of January next, at 12 o'clock, M.

Mr. Tuley moved to lay said resolution on the table till the 4th of July.

Mr. Redmond called for the ayes and nays.

The call being sustained, the roll was called.

Those voting in the affirmative, are

Messrs. Allen, Beck, Brown, Burgess, Byrne, Calvert, Edmondson, Ederington, Hill, Hockersmith, Holmes, Hunter, Jacoway, Jones of Desha, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Miller, Montgomery, Morton, Neale, Norsworthy, Nunn, Patterson, Rector, Stillwell, Stringfellow, Tuley, Witt and Wood—33.

Those voting in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Bruton, Bunch, Butts, Cannon, Desha, Douglas, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Johnson, Jones of Conway, Jones of Hot Spring, Matthews, Moulden, Newton, Pettigrew, Primm, Puryear, Ramsey, Redmond, Rice, Smithson, Watson, Whinery, Wilson and Mr. Speaker—33.

So said motion to lay on the table failed.

When, on motion of Mr. Hill, the resolution was postponed indefinitely.

Mr. Hill introduced a bill, entitled "an act better to establish and define the lines between the counties of Perry, Montgomery, Saline, Pulaski and Conway."

Which was read a first time.

On motion of Mr. Hill, the rules were suspended, the bill read a second time, and

On motion of Mr. Gordon, referred to the committee on counties and county lines.

On motion of Mr. Wood, the bill, entitled "an act to provide for the building of a work-shop within the walls of the penitentiary," was made the order of the day for Monday next.

Mr. Logan introduced bill No. 303, entitled "an act more effectually to suppress duelling."

Which was read a first time.

On motion of Mr. Logan, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Baxter moved a reconsideration of the vote passing House bill, entitled an act to change the line between the counties of Fulton and Lawrence.

On motion of Mr. Patterson, the above motion was postponed till Monday next.

Mr. Patterson had leave to withdraw certain proposed amendments, offered by him on the 2d inst., and in lieu thereof offered the following:

1st. All counties now established by law are hereby constitutional counties, without respect to area or population.

2d. A new county may be formed of territory from the counties of Jackson, St. Francis and White. Also, one of a part of the county of Lawrence. Also, one of territory from the counties of Green and Poinsett; *Provided*, Said new counties shall not contain less than 625 square miles, nor shall the counties above named, be reduced to less than 625 square miles, and no new county shall hereafter be created containing less than 900 square miles.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform your honorable body that the Senate have unanimously adopted the following preamble and resolution:

WHEREAS, By the dispensation of an allwise and overruling Providence, the honorable William H. Judkins, one of the members of this body, has been taken from our midst, and the spirit of him whose continuance gave encouragement to our councils, has winged its way to commune with just men, and since we are forced to sever our associations with one whose prominent virtues and salutary counsel so much endeared him to us all, in a social as well as a legislative capacity, we cannot forego the occasion to express our grief as a memento to the memory of his departed worth; therefore,

Resolved, That in the death of Hon. W. H. Judkins, we have lost an enlighted and useful member, the counties of Lawrence and Fulton, an able and faithful Senator, and society one whose excellent qualities made for him many strong friends.

Resolved, That with the relations of the deceased, we most sincerely sympathise, and as a mark of our respect for the memory of the deceased, the Senate will suspend the transaction of further business for to-day, and that the House of Representatives be requested to concur herein.

Resolved, That this manifestation of our grief for our deceased member shall be spread upon the journal of the Senate, and that copies thereof be transmitted to his relatives, and that the Senate will wear the usual badge of mourning for thirty days, in token of our respect for our deceased brother, and that the editors of the city papers be requested to publish these resolutions.

Resolved, That a committee of three be appointed on the part of the Senate, and five on the part of the House of Representatives, to make suitable arrangements for the interment of the remains of the deceased.

The committee on the part of the Senate, are Messrs. Cain, Hanley, Lemoyne.

Which are herewith transmitted for the action of your honorable body.

W. L. D. WILLIAMS,
Sec'y of the Senate.

Mr. Bruton offered the following:

Mr. Speaker:

It is with feelings of the deepest solemnity that we receive the most striking intelligence of the dissolution of the honorable the Senator William H. Judkins, from Lawrence county. He was a man of study and deep thought, substantial and unwavering in his pursuits. His counsels in and out of the legislature were wise, and worthy to be heard by all around him; he was a most favorite room mate, with whom I was delighted to associate; his seat at the table was immediately on my left. It is now left vacant, the very appearance is to me a scene of sublimity, when I enter the Senate chamber his vacated seat among his brother Senators seems to say he is not here. Why seek ye the living among the dead? Something seems to say to my mind he is alive forever more, that his immortal spirit has gone to the General Assembly and Church of the first born. Yes sir, in our social interviews, I learned that he had a hope that if this earthly house of this tabernacle was dissolved, he had a building of God, a house not made with hands, eternal in the Heavens.

Death seems to have unsheathed his sword among us, my immediate bed mate was his first victim, the honorable W. S. Wade; the second the deceased Senator referred to above.

Why, sir, they have fallen upon my right and upon my left, and why I am still passed by is only known to infinity; therefore,

Be it resolved, That the Senate resolutions be unanimously concurred in, and that the House, in token of our bereavements, suspend further legislative business for this day, and that the House adjourn until Monday morning 9 o'clock.

Mr. Baxter offered the following resolution:

Resolved, That the clerk of this House be requested to procure the remarks of Messrs. Nunn and Bruton, delivered on the occasion of the death of Hon. Mr. Judkins, to be published together with the proceedings of this body.

Which was adopted.

The question now being upon the adoption of the resolutions from the Senate, the question was submitted, and adopted by a unanimous vote of the House, and the chair appointed, as the committee spoken of in the above resolution, Messrs. Nunn, Jones of Lawrence, Baxter, Burgess and Montgomery.

The House adjourned till Monday morning 9 o'clock.

SAMUEL MITCHEL,
Speaker Ho. of Reps.

MONDAY, *Jan.* 1, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of Saturday last was read and approved.

Petitions from counties were in order.

Mr. Nunn presented the petition of sundry citizens of Lawrence county, asking the formation of a new county of an area of 700 square miles, out of the western portion of said county.

Said petition was, on motion of Mr. Nunn, referred to the committee on county and county lines.

Mr. Speaker announced that reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The committee on claims, to whom was referred House bill No. 246, entitled an act for the benefit of James H. Crow, have considered the same, and instruct me to report it back without action, and ask its reference to the committee on the judiciary.

Also, the petition of Thomas Price, of White county, asking that certain moneys be paid him out of the State treasury, which was wrongfully paid therein, and report the following bill and recommend its passage.

JOHNSON, *Chairman.*

Said accompanying bill, entitled an act for the relief of Thomas Price of White county, was read a first time.

On motion of Mr. Morton, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr Beall, the above report, relating to the bill for the relief of James H. Crow, was adopted, and the bill recommitted to the committee on the judiciary.

Mr. Rector made the following report:

Mr. Speaker:

The committee on internal improvements to whom was referred House bill, entitled an act to incorporate the Southern Missouri and Northern Arkansas Railroad Company, have considered the same, and with the following amendments recommend its passage: "amend 1st section by inserting the names of Timothy C. Nunely, J. J. Wyatt, and E. C. Hunter."

Amend section 2d, by striking out all after the word "necessary," in the 10th line.

"Strike out sections 13 and 14 of said bill."

Amend section 18 by inserting between the words "shall" and "be," in the 7th line the words "upon conviction," also, in same section, strike out all after the word "and," in the 16th line, and add the words "nugatory and void."

RECTOR, *Chairman.*

On motion of Mr. Wood, the above report with its amendments, was adopted, the bill ordered to be engrossed and made the order of the day for Wednesday next.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 286, entitled an act amendatory of an act concerning forfeited lands, and for other purposes, approved January 11th, 1851, have considered the same and instruct me to report the following amendments, to wit: strike out section 3 in said bill, and insert in lieu thereof the following section:

"*Be it further enacted*, That the taxes on donation lands, which have been conveyed by auditor's deed to married women, minors, or to any person, whether they reside on the lands or not, shall be collected as the taxes on other lands, and upon failure of the owners, or the representatives of the owners to pay said taxes, the sheriff shall advertise and sell, or return such land to the auditor, as now required by law, in reference to any other lands in this State, and that this act take effect and be in force from and after its passage," and recommend as amended, the passage of the bill.

They have also considered House bill No. 293, entitled an act to exempt church and school property from taxation, and a majority of said committee think it inexpedient to pass such a law, and therefore recommend the rejection of the same.

DESHA, *Chairman.*

Mr. Nunn made the following minority report:

Mr. Speaker:

The minority of the committee on the judiciary, to whom was referred House bill No. 293, entitled an act to exempt church and school property from taxation, have had the same under consideration and beg leave to dissent from the majority report and recommend the passage of said bill.

G. P. NUNN,
B. H. SMITHSON.

Mr. Hill presented the report of the internal improvement commissioner of Perry county, which was referred to the committee on internal improvements.

Mr. Speaker announced that reports from select committees were in order.

Mr. Beall made the following report:

Mr. Speaker:

The select committee to whom was referred House bill

No. 271, entitled an act to further regulate proceedings before justices of the peace of Clark county, have had the same under consideration and have instructed me to report the same back to the House, with the following amendment, and recommend the passage of the bill as amended: after the word "Clark," in the 2d line, insert "Dallas and Hot Spring counties."

A. B. BEALL, *Chairman.*

Which report was, on motion of Mr. Beall, adopted, and the bill recommitted to the same select committee, by motion of Mr. Gregg.

Mr. Rice offered the following preamble and resolutions:

WHEREAS, A convention, to be composed of delegates from the southern and south-western States, is about to be assembled in the city of New Orleans, to consider of and devise ways and means for the promotion of the great commercial, agricultural and manufacturing interests of the south and south-west.

And whereas, Such assemblages of our people for such purposes, if entered into with the proper spirit and energy, are well calculated to consummate the results proposed, and tend greatly to connect and strengthen natural, sectional and personal friendship and respect.

And whereas, In the opinion of the General Assembly, the development of the vast internal resources of the south and south-west, and the erection of manufactures and opening of highways of commerce, and intercommunication will greatly increase and promote the strength, power and influence of these States, and tend greatly to produce concert and harmony in the action of these States, as well in councils of the nation as of the several States.

And whereas, The independence and self-reliance of these States, as to all their great commercial, agricultural and manufacturing interests, and an entire unity and harmony in action as to their great national interests, are of the highest importance, and would, perhaps, form their strongest guaranty that could be given for the perpetuity of the Union, and the best barrier that could be erected to resist the wiles and machinations of fanatical enemies of the country; therefore,

Be it resolved by the General Assembly of the State of Arkansas, That we hail with pleasure the meeting of said convention, that the object sought to be accomplished by the same, and the other conventions which have preceded it, have the sanction and approval of this General Assembly. That said convention, as a body, and the individual members thereof, have the approbation and approval of this assembly in their good work, and that they deserve and ought to have the highest approval, and most effectual aid, not only of every southern and south-western State in this Union, that the work in which they are engaged is a great, a noble one, and national; and if the great end sought shall be accomplished, they will be entitled to the gratitude of the nation.

Resolved further, That any and all measures, not inconsistent with the great constitutial rights of the country, and which shall be calculated to increase the strength, wealth and well being of the great south and south-west, and to develop our great internal and industrial resources, and which shall either directly or indirectly tend to the promotion of the strength and perpetuity of our glorious Union and the honor of our common country, which may be adopted by said convention, shall have the high approval of this General Assembly.

And be it further resolved, That a copy of these resolutions, signed by the Governor and under the great seal of the State, be transmitted by the Governor to said convention.

Which resolutions were read a first time.

On motion of Mr. Redmond, the rules were suspended, the resolutions read a second and third time and adopted.

Mr. Calvert introduced bill 304, entitled an act to authorize dams to be constructed across navigable streams.

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time and referred to the committee on internal improvements.

Mr. Smithson introduced bill 305, entitled an act fixing the line of the Cairo and Fulton railroad and branches, and granting the lands which were donated by Congress to the State of Arkansas in aid thereof.

Which was read a first time.

Mr. Redmond moved to suspend the rules to read the bill the second time.

Which was lost.

Mr. Baxter moved to print 100 copies of said bill.

Which motion was also lost.

Mr. Byrne introduced bill 306, entitled an act to increase the salaries of the supreme judges.

Which was read a first time.

Mr. Puryear moved to lay the bill on the table till the 4th of July, and called for the yeas and nays, which call was sustained and the roll called.

Those voting to lay the bill on the table as above, are

Messrs. Beck, Brown, Bruton, Bunch, Butts, Calvert, Douglas, Ederington, Flippin, Gordon, Gregg, Guice, Haggin, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Macon, Miller, Montgomery, Morton, Moulden, Norsworthy, Nunn, Pettigrew, Puryear, Ramsey, Rector, Rice, Smithson, Stringfellow, Terry, Watson, Whinery, Williams, Wilson, Witt and Wood—42.

Those voting against laying the bill on the table, are

Messrs. Austell, Barton, Baxter, Beall, Burgess, Byrne, Cannon, Desha, Edmondson, Gould, Hill, Hockersmith, Jones of Desha, Logan, Matthews, Neale, Newton, Patterson, Primm, Redmond, Stillwell and Mr. Speaker—22.

So the bill was laid on the table till the 4th of July.

Mr. Logan was called to the chair.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform your honorable body that the Senate have assented to House bill 121, entitled an act to authorize Joseph A. Lovett and Jared A. Barnes, to build a toll bridge and keep a ferry across Languille river, in St. Francis county, with numerous amendments thereto, to which your concurrence is respectfully asked.

The Senate have amended and concurred in House resolution to go into the election of Land Attorney, State Collector, State Treasurer and Financial Receiver, to-day at 11 o'clock, and to which amendments, they earnestly solicit your concurrence.

I have the honor to present for your honor's signature, an act to provide for building a public bridge across Big Mulberry creek in Franklin county.

Also, an act for the relief of Nathaniel K. Jones, of Dallas county.

The Senate have assented to House bill 138, entitled an act to change the time of holding the election for circuit judge in the 5th judicial circuit.

Which is herewith returned.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Guice called up House bill No. 104, to be entitled an act to amend section 11 of an act, entitled an act amendatory of existing laws regulating the landed interests of this State, approved January 12th, 1853.

Which was read a third time and passed.

Mr. Wood called up House bill, to be entitled an act to provide for the building of a work shop within the walls of the penitentiary, and for other purposes.

Which was read a third time.

The question now being upon the final passage of said bill, Mr. Puryear called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Baxter, Beall, Beck, Brown, Byrne, Cannon, Douglas, Flippin, Gould, Gregg, Haggin, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Desha, Logan, Macon, Matthews, Moulden, Neale, Patterson, Pettigrew, Primm, Rector, Redmond, Rice, Stillwell, Stringfellow, Tuley, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—39.

Those members who voted in the negative, are

Messrs. Austell, Barton, Bruton, Bunch, Burgess, Butts, Calvert, Desha, Edmondson, Ederington, Gordon, Hill, Jones of Conway, Jones of Lawrence, Jernigin, Leslie, Miller, Montgomery, Morton, Newton, Norsworthy, Nunn, Puryear, Ramsey, Smithson and Terry—26.

So the bill passed.

On motion of Mr. Gould, Senate bill No. 71, to be entitled an act concerning estates of deceased persons, was taken up and read a first time.

On motion of Mr. Bruton, the rules were suspended the bill read a second time and referred to the committee on the judiciary.

On motion of Mr. Wood, the orders of the day were taken up.

House bill, to be entitled an act to aid in the construction of the Cairo and Fulton Railroad, and the Fort Smith and Mississippi branches thereof and for other purposes, was taken up.

On motion of Mr. Rector, the House went into committee of the whole, to consider of said bill.

Mr. Wood in the chair.

The committee, after deliberating a short time upon sundry amendments offered to the bill, arose, and through their chairman, asked leave to sit again this afternoon, at half past 2 o'clock.

On motion of Mr. Neale, the House took a recess till 2 1-2 o'clock, P. M.

2½ o'clock, P. M.

The House convened.

On motion of Mr. Wood, the House went into committee of the whole to further consider House bill, entitled an act to aid in the construction of the Cairo and Fulton Railroad, and the Fort Smith and Mississippi branches thereof, and for other purposes.

Mr. Wood was called to the chair.

After an elaborate discussion upon sundry amendments offered to said bill, the committee arose and through their chairman, reported progress, and asked leave to sit again on to-morrow at 10 o'clock.

Which report was, on motion of Mr. Gregg, adopted, and the House, on motion of Mr. Wood, adjourned until to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. Representatives.

TUESDAY, *Jan. 2d*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

Yesterday's journal was read and approved.

Mr. Smithson had leave to withdraw House bill No. 305, entitled "an act fixing the line of the Cairo and Fulton railroad and branches, and granting the lands which were donated by Congress to the State of Arkansas, in aid thereof."

On motion of Mr. Edmondson, the House concurred in Senate amendment to House resolution, proposing to go into the election of Land Attorney and State Collector, Financial Receiver, ond State Treasurer.

Mr. Gordon introduced a bill, entitled "an act amendatory of existing laws regulating the forfeited lands of this State."

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended, the bill read a second time, and

On motion of Mr. Gordon, referred to the committee on the judiciary.

On motion of Mr. Smithson, House bill No. 101, entitled "an act to amend in part chapter 52 of the Digest of the Statutes of Arkansas," was taken up.

On motion of Mr. Moulden, the amendments of the judiciary committee to said above bill were adopted, and

On motion of Mr. Wood, the bill, as amended, was read a third time and passed.

Mr. Edmondson introduced a bill, entitled "an act to postpone for a limited time, the operation of certain laws on the subject of swamp lands."

Which was read a first time.

On motion of Mr. Barton, the bill was laid on the table for the present.

On motion of Mr. Calvert, House bill No. 121, entitled "an act to authorize Joseph A. Lovett and Jared A. Barnes to build a toll-bridge and keep a ferry across Languille river, in St. Francis county, Arkansas," was taken up, when,

On motion of Mr. Austell, Senate's amendments thereto were concurred in.

On motion of Mr. Rector, Senate bill No. 14, entitled "an act to restrain the circulation of change tickets," was taken up and read a third time.

Mr. Patterson moved to amend said bill by way of rider, as follows: By adding, "that from and after the 1st of January, 1857, no bill of less denomination than twenty dollars shall be put in circulation; and from and after the 1st January, 1858, no bank bill or note of any denomination of the banks of other States, shall be received or put in circulation in this State, under the same penalties as provided for in this act for the circulation of small notes."

The chair decided said amendment to be out of order.

Mr. Patterson appealed from the decision of the chair.

The question was, will the House sustain the chair? which was decided in the affirmative.

The question now being on the passage of the bill, Mr. Barton called for the ayes and nays, which called was sustained, and the roll called.

Those voting for the passage of the bill, are

Messrs. Allen, Baxter, Beall, Beck, Brown, Bunch, Burgess, Butts, Byrne, Desha, Douglas, Edmondson, Flippin, Gould, Gregg, Guice, Haggin, Hill, Hockersmith, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Mongomery, Moulden, Neale, Newton, Norsworthy, Nunn, Poe, Primm, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Tuley, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—55.

Those voting in the negative, are

Messrs. Austell, Barton, Bruton, Calvert, Cannon, Ederington, Gordon, Holmes, Morton, Patterson, Pettigrew, Puryear and Terry—13.

So the bill passed.

Mr. Stillwell offered the following resolution:

Resolved, That the use of the Representative's Hall is hereby tendered to the citizens of Little Rock, for the purpose of giving a concert for the benefit of the Episcopal church, on Wednesday evening next.

Which was adopted.

Mr. Hill introduced a bill, entitled "an act to extend the act putting the State Bank into liquidation, and other acts amendatory thereto."

Which was read a first time.

On motion of Mr. Hill, the rules were suspended, the bill read a second time, and

On motion of Mr. Butts, referred to the committee on the judiciary.

Mr. Tuley offered the following proposition to amend the constitution:

"No civil township shall hereafter be entitled to more than two justices of the peace."

Which, on motion of Mr. Butts, was laid on the table till the 4th July next.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have passed a bill, to be entitled "an act to amend chapter 4, of the Digest."

Which is herewith transmitted for the assent of the House.

I have the honor to present for your honor's signature "an act to change in part the time of holding the circuit courts in the 6th judicial circuit."

W. L. D. WILLIAMS,
Sec'y Senate.

On motion, the House went into committee of the whole to further consider House bill, to be entitled "an act to aid in the construction of the Cairo and Fulton railroad, and the Fort Smith and Mississippi branches thereof, and for other purposes."

After deliberating some time therein, the committee arose, and through their chairman reported progress, and asked leave to sit again this afternoon at 2¼ o'clock.

Which report was adopted.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have carefully examined "an act to change the time of electing a judge of the 5th judicial circuit," and have instructed me to report the same as correctly enrolled.

HOLMES, *Chairman.*

On motion of Mr. Bruton, the House took a recess till 2¼ o'clock, P. M.

EVENING SESSION, 2¼ o'clock.

The House convened.

R. H. Johnson, esq., his Excellency's private secretary, appeared within the bar of the House, and read to the House of Representatives the correspondence between his Excellency, the Governor, and John Wilson, commissioner of the general land office, in regard to the condition of certain lands within the State of Arkansas. [*See Appendix marked letter "O."*]

On motion of Mr. Bruton, the House again resolved itself into committee of the whole on the bill above referred to, and after sitting some time, arose, reported progress, and asked leave to sit again to-morrow morning at 10 o'clock.

Which report was, on motion of Mr. Gregg, adopted.

On motion of Mr. Neale, the House adjourned till to-morow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

WEDNESDAY, *Jan. 3d*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

The Speaker announced that petitions from counties were in order.

Mr. Puryear presented the petition of sundry citizens of Poinsett county, asking the passage of an act establishing a new county out of a portion of Poinsett and Green counties.

Which, on motion of Mr. Puryear, was referred to the committee on county and county lines.

Mr. Norsworthy presented the petition of sundry citizens of Green county, asking that a new county be formed out of the south end of said county.

Which, on motion of Mr. Norsworthy, was referred to the committee on county and county lines.

The following message was received from the Senate:

Mr. Speaker:

I am requested to announce to your honorable body that the Senate have refused to assent to House bill No. 106, entitled "an act to amend the 81st chapter of the Digest, under the head of *habeas corpus*."

The Senate have assented to House bill No. 250, entitled "an act to incorporate the Princeton Female Academy."

Also, to House bill No. 91, entitled "an act to amend and revise the law in relation to the 16th section, township 13 north, range 6 west.

All of which are herewith returned.

The Senate have concurred in the joint resolution of the House relative to the Memphis Navy Yard.

Also, to House resolution, instructing our delegation in Congress to use their exertions to procure the establishment of a mail route from Osceola, in Mississippi county, via A. T. Snody's, in the Maumelle Prairie, thence to B. F. Freeman's, thence by John Pearce's, thence by Charles Garman's, and to Jacksonport, to be carried on horse back, once a week.

Also, House resolution, instructing our delegation in Congress to use their best exertions to procure a weekly one horse mail route, beginning at Rockport, from thence to A. H. Henson's, and from thence to Montroy, in the county of Dallas.

Also, House resolution, instructing our delegation in Congress to use their exertions to procure the passage of an act granting lands to the State of Arkansas, to aid in building a railroad from the Missouri line, through the counties of Green, Poinsett, St. Francis and Phillips, to Helena.

Which are herewith returned.

The Senate have passed Senate bill No. 88, entitled "an act to incorporate Pleasant View Female Academy, in the town of Huntsville, Madison county."

Also, Senate bill No. 90, entitled "an act concerning conveyances by the representatives of deceased persons."

Also, Senate bill No. 81, entitled "an act to appropriate an unexpended balance."

Which are herewith transmitted for the assent of the House.

The Senate have concurred in House resolution relative to the southern commercial convention to be held in New Orleans.

Which is herewith returned.

W. L. D. WILLIAMS,
Secretary of Senate.

The following message was received from the Governor:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 30th of December, 1854, be approved and signed "an act to amend the charter of the city of Little Rock;" and on the 1st of January, 1855, he approved an signed "an act to incorporate the town of Elm Springs, in Washington county."

"An act to incorporate Clarksville Female Seminary."

"An act to amend section 62 and 63, chapter 67, of the Digest."

"An act to repeal an act entitled an act to declare Plum Bayou navigable," approved January 10th, 1853.

"An act to authorize the clerk of the county and circuit courts of Randolph county to transcribe certain records of said county."

"An act to change the time of holding the courts in the 4th judicial circuit."

"An act to separate the county and probate courts in the county of Dalllas."

"An act to fix the time of holding the county and probate courts of Fulton county."

"An act to call in the scrip of Lawrence county."

"An act to incorporate the trustees of the Princeton Male Academy."

"An act to call in the scrip of Fulton county."

And "an act for the benefit of actual settlers upon lands forfeited to the State for the non-payment of taxes;" and on the 3d day of January, 1855, he approved an signed "an act to incorporate the town of Yellville."

R. H. JOHNSON,
Private Sec'y.

Mr. Newton made the following report:

Mr. Speaker:

The committee on county and county lines, to whom was referred a petition of a portion of the citizens of Clark county, praying to be attached to Pike county, have had the same under consideration, and find, from the best calculation we are able to make, that Clark county contains 937 square miles, and that the portion sought, or asked for in said petition, contains about 25 square miles, leaving the county of Clark 912 square miles; and further, in the opinion of your committee, it would, from the peculiar situation of the county, render it much more convenient to those who wish to be attached to Pike county.

Therefore the committee present a bill and recommend its passage.

NEWTON, *Chairman.*

Said bill No. 310, to be entitled "an act to change the county line so as to add a portion of the county of Clark to the county of Pike," was read a first time.

Mr. Gould moved to suspend the rules, to have said bill read a second time.

Which was lost.

Mr. Beall moved to reject the above report, which was also lost.

Mr. Newton made the following report:

Mr. Speaker:

The committee on county and county lines, to whom was referred a petition of sundry citizens of Lawrence county, praying a division of said county, and an alteration or amendment to the constitution, allowing the formation of a new county off of the western portion of said county, have considered the same, and recommend its rejection, as it would be laying an unsafe precedent.

NEWTON, *Chairman.*

Which report was, on motion of Mr. Wilson, adopted.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have carefully examined "an act to incorporate the town of Magnolia, in Columbia county."

"An act entitled an act better to define the eastern boundary line of Marion county, and for other purposes."

"An act to authorize certain counties in the State of Arkansas to obtain field notes and maps of the lands in said counties."

"An act to amend the 25th section of chapter 153, of the Digest of this State."

"An act to grant a charter to James H. Patterson and James F. Saffold, for the purpose of making a turnpike road across Departee swamp, immediately back of the town of Grand Glaize, in Jackson county, Arkansas, and to erect a toll gate on the same, and also to build a bridge across Departee creek, at the point where said turnpike road crosses the same," and have instructed me to report the same as correctly enrolled.

HOLMES, *Chairman.*

Mr. Speaker announced that reports from select committees were in order.

Mr. Beall made the following report:

Mr. Speaker:

The select committee, to whom was referred a bill, to be entitled "an act to further regulate the proceedings before justices of the peace, in Clark county," have considered the same, and report the bill back to the House with sundry amendments, and recommend its passage.

BEALL, *Chairman.*

On motion of Mr. Byrne, the report and amendments were adopted, and the bill,

On motion of Mr. Beall, ordered to be engrossed, and made the order of the day for Friday next.

Mr. Gregg moved to reconsider the vote laying the bill on the table to increase the salaries of the supreme judges.

Which motion was lost.

Mr. Rector introduced a bill, entitled an act to change the time of holding Pulaski circuit court.

Which was read a first time.

On notion of Mr. Rector, the rules were suspended, the bill read a second and third time and passed.

Mr. Norsworthy introduced a bill to be entitled "an act to establish the county of Douglas."

Which bill was read a first time.

On motion of Mr. Puryear, the rules were suspended, the bill read a second time, and referred to the committee on county and county lines.

Mr. Beall asked leave of absence for Mr. Barkman.

Which was not granted.

On motion of Mr. Patterson, the bill entitled "an act to revive the ballot system of voting, and for other purposes," was taken up and read a second time.

Mr. Wood moved to refer the bill to the committee on ways and means.

Which motion was lost.

Mr. Puryear moved to amend said bill by exempting the county of Poinsett from its provisions.

Mr. Johnson moved to amend by exempting the county of Madison.

Mr. Williams moved to lay said last amendments on the table.

Mr. Wood called for the ayes and nays, which call being sustained, the roll was called.

Those voting to lay on the table, are

Messrs. Allen, Barton, Baxter, Beall, Beck, Brown, Bunch, Burgess, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Hunter, Jones of Conway, Jones of Lawrence, Logan, Matthews, Montgomery, Morton, Neale, Newton, Nunn, Patterson, Poe, Primm, Ramsey, Smithson, Stillwell, Whinery, Wilson, Williams and Mr. Speaker—44.

Those voting in the negative, are

Messrs. Austell, Bruton, Butts, Jacoway, Jones of Hot Spring, Jernigin, Leslie, Macon, Moulden, Norsworthy, Pettigrew, Puryear, Rector, Redmond, Rice, Stringfellow, Terry, Tuley, Watson, Witt and Wood—22.

So the amendments were laid on the table.

Mr. Tuley moved to exempt Jefferson county from the provisions of the bill.

Which, on motion of Mr. Neale, was laid on the table till the 4th of July.

Mr. Moulden moved to amend by striking out, in sections 15 and 16, of the Statute, all that part which requires secresy by the judges and clerks.

Which, on motion of Mr. Beall, was laid on the table.

Mr. Macon moved an indefinite postponement of the bill, and called for the ayes and nays, which call being sustained, the roll was called.

Those voting for the postponement, are

Messrs. Austell, Bruton, Butts, Calvert, Hunter, Johnson, Jones of Desha, Jernigin, Leslie, Macon, Montgomery, Pettigrew, Puryear, Rector, Redmond, Rice, Terry, Tuley, Watson, Witt, Wood and Mr. Speaker—22.

Those voting against the postponement, are

Messrs. Allen, Barton, Baxter, Beall, Beck, Brown, Bunch, Byrne, Burgess, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Jacoway, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Logan, Matthews, Morton, Moulden, Neale, Newton, Nunn, Patterson, Poe, Primm, Ramsey, Smithson, Stillwell, Stringfellow, Whinery, Williams and Wilson—44.

So the motion to postpone did not prevail.

On motion of Mr. Williams, the rules were suspended and the bill read a third time.

The question now being on the passage of the bill, Mr. Jernigin called for the ayes and nays, which call was sustained, and the roll called.

Those members voting in the affirmative, are

Messrs. Allen, Barton, Baxter, Beall, Beck, Brown, Bunch, Burgess, Byrne, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Jacoway, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Logan, Matthews, Morton, Moulden, Neale, Newton, Nunn, Patterson, Poe, Primm, Ramsey, Smithson, Stillwell, Whinery, Williams and Wilson—43.

Those voting in the negative, are

Messrs. Austell, Bruton, Butts, Calvert, Hunter, Johnson, Jones of Desha, Jernigin, Leslie, Macon, Montgomery, Norsworthy, Pettigrew, Puryear, Rector, Redmond, Rice, Stringfellow, Terry, Tuley, Watson, Witt, Wood and Mr. Speaker—24.

So said bill was passed.

Mr. Williams offered the following resolution:

Resolved, That the committee on county and county lines be instructed, in their examination of the bill to establish the county of Douglas, to report to this House the number of square miles that will be contained in said proposed county, and whether, after taking such territory from the original counties, such original counties are left with the constitutional area.

Which was read and adopted.

The following message was received from the Senate:

Mr. Speaker:

I have the honor to present for your honor's signature "an act in relation to the Mississippi, Ouachita and Red River Railroad Company."

W. L. D. WILLIAMS,
Sec'y of Senate.

On motion, the House resolved itself into committee of the whole, upon House bill to be entitled "an act to aid in the construction of the Cairo and Fulton Raildroad, and the Fort Smith and Mississippi branches thereof, and for other purposes."

Mr. Wood in the chair.

After deliberating some time thereon, the committee arose, and through their chairman, reported said bill back to the House, and asked leave to sit again on to-morrow, at 10 o'clock.

Which report was, on motion of Mr. Stringfellow, adopted.

On motion of Mr. Desha, the House adjourned until to-morrow morning, 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

THURSDAY, *Jan. 4th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Mr. Neale presented the petition of sundry citizens of Chicot county, asking an election to be ordered for the purpose of taking the sense of the qualified voters of Chicot county, whether or not the county seat shall be removed from Columbia.

Which petition, on motion of Mr. Neale, was referred to the committee on memorials.

Mr. Bunch presented the petition of sundry citizens of Carroll county, asking the repeal of an act declaring King's river navigable.

Mr. Johnson moved its reference to the committeee on internal improvements.

Which motion was lost, and the petition, on motion of Mr. Haggin, referred to a select committee, consisting of Messrs. Haggin, Johnson, Leslie and Flippin.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred Mr. Whinery's resolution, inquiring into the expediency of establishing a "lunatic asylum," have considered the same, and deem it inexpedient to establish said asylum at this time.

REDMOND, *Chairman.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 290, entitled "an act to regulate the jurisdiction of justices of the peace in criminal cases," have considered the same, and a majority of the committee have instructed me to report the same back, and recommend its rejection.

DESHA, *Chairman.*

Mr. Nunn made the following minority report:

Mr. Speaker:

The undersigned, a minority of the judiciary committee to whom was referred House bill No. 290, entitled "an act to regulate the jurisdiction of justices of the peace in criminal cases," have considered the same, and beg leave to dissent from the report of the majority of said committee, and recommend said bill back to the House for their favorable consideration.

Although there are many objectionable features in the bill, it nevertheless, embodies remedies and principles which the whole country have long sought and desired, and by striking out all obnoxious provisions, and amending others less objectionable, a bill might be presented which would go very far to correct an evil in the criminal laws and practice of our State. So much solicitude and feeling have been manifested by the public, with the view of simplifying the remedies in ordinary criminal offenses of the country, that it was deemed important and necessary to amend the constitution of our State, so as to give justices of the peace jurisdiction in criminal offenses, not amounting to a felony.

The constitution was so amended, and a law passed conferring such power and jurisdiction, but inasmuch as such law so passed, was thought seriously to conflict with the declaration of rights, it was regarded as unconstitutional, and hence, became inoperative.

Your minority committee are of opinion that, notwithstanding the law passed 16th December, 1846, was regarded unconstitutional, because it was in conflict with the bill of rights, it does not follow, as a necessary consequence, that a law cannot be so framed and passed without such violation.

We understand that the reasons why the law of 16th December, 1846, could not be enforced, were because no provisions had been made, whereby persons charged with offenses, could be presented or indicted, and without such presentment or indictment, no jurisdiction could be acquired. Not so with the bill under consideration. It provides a remedy, simple and expedient, and not in contravention to any principle of the constitution nor in violation of our sacred declaration of rights, because this bill provides that every person violating the laws of the land, shall be presented and indicted as heretofore, and as is now prescribed by law, by the grand jurors of his county, and instead of being tried by the circuit court, the indictment shall be certified to a justice of the peace of the township where the offense was committed, and the cause there tried in a summary manner, before the justice, or a jury if desired.

Your committee are free to admit, that as this is a novel project, it might, at first, seem to be a rather circuitous travel to attain the ends of justice, but they are satisfied, that for the suppression of minor criminal offenses of the country, the simplest, speediest and most summary provisions and process should be adopted.

The special pleading of the circuit courts, too often leave the criminal unwhipped of justice, and hence our county treasuries are made to bleed at every pore by paying costs. Where guilt is manifestly shown, it would seem, that the stern judgment of the humble magistrate, would as readily perceive and condemn the wrong, as the jury of the circuit court, or the judge, aided by a score of lawyers, and let the verdict be what it might, the costs would fall more lightly.

Inasmuch therefore, as the whole country demands that this character of offenses should be placed before justices of the peace as a matter of policy, expediency and justice; and, inasmuch as the constitutional barriers are fully met and provided against by the bill under consideration, we most earnestly recommend to your favorable consideration, that it may not be rejected, but perfected in such a manner as to make it as acceptable to this House as its objects are to the country.

G. P. NUNN,
B. H. SMITHSON,
Committee.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 203, to be entitled "an act to more effectually suppress duelling," have had the same under consideration, and the committee are of the opinion that the provisions of said bill would have a tendency to encourage rather than suppress the evil. They therefore, instruct me to report said bill back to the House and recommend its rejection.

The committee have also considered House bill No. 308, entitled "an act amendatory of existing laws regulating the forfeited lands of this State," and instruct me to report the same back to the House and recommend its rejection.

Also House bill No. 258, entitled "an act to quiet tax and donation titles to lands in the State of Arkansas," and recommend the rejection of the same.

The committee have also had under consideration House bill No. 246, entitled "an act for the benefit of James H. Crow," and a majority of said committee have instructed me to report the same back to the House, and recommend its rejection.

The committee have also considered the following resolution referred to them, to wit:

"*Resolved,* That so much of the Governor's message as relates to the election by the qualified voters of an attorney to transact county business, be referred to the committee on the judiciary, and that they be required to report by bill or otherwise," and the committee are unanimously of the opinion, that it is inexpedient to take any action on the subject.

The committee on the judiciary, to whom was referred House bill No. 309, entitled "an act to extend the act putting the State Bank into liquidation and other acts amendatory thereto," have considered the same, and a majority of said committee recommend the passage of said bill.

DESHA, *Chairman.*

Mr. Douglas made the following minority report:

Mr. Speaker:

The undersigned begs leave to dissent from the report of the committee which recommends the passage of House bill No. 309, entitled "an act to extend the act putting the State Bank into liquidation, and other acts amendatory thereto."

DOUGLAS.

Mr. Desha further reported, that the committee on the judiciary had considered House joint resolution in relation to compensating Benjamin F. Danley for his services in arresting Abner E. Thornton, a fugitive from justice, and instructed him to report the same back and recommend its adoption.

DESHA, *Chairman.*

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined a resolution approving and endorsing the convention of the south and southwestern States to be held at New Orleans on January 8th, 1855, and "an act for the relief of Prairie county," and report the same as correctly enrolled.

HOLMES, *Chairman.*

Mr. Jones of Desha, made the following report:

Mr. Speaker:

The committee on swamp lands, etc., to whom was referred House bill No. 257, entitled "an act granting 160 acres of swamp lands to certain persons," have considered the same, and recommend its rejection.

Also House bill No. 239, entitled "an act in regard to swamp and overflowed lands," have considered the same, and as a bill of like character has already passed this House, they recommend its rejection.

Also House bill No. 262, entitled "an act in relation to swamp and overflowed lands belonging to the State of Arkansas," and also recommend its rejection.

JONES of Desha, *Chairman.*

Mr. Rector made the following report:

Mr. Speaker:

The committee on internal improvements, to whom was referred the reports of the various internal improvement commissioners, have examined said reports and find nothing more in them than additional evidence of the folly of past legislation, and the wisdom of those who oppose the passage of the law providing for the distribution of the internal improvement fund. They beg leave to return the reports, and ask to be discharged from their further consideration.

RECTOR, *Chairman.*

Mr. Butts offered the following resolution:

Resolved, That the General Assembly adjourn *sine die,* on Monday the 15th inst., and the Senate be requested to concur herein.

On motion of Mr. Neale, said resolution was laid on the table till the 4th July.

On motion of Mr. Redmond, House joint resolutions, on the subject of Northern aggresion, introduced by himself on the 19th ult., was taken up.

Mr. Douglas moved to amend third resolution, tenth line, by inserting between the word "state" and the word "and," in said line, "until they shall recede from their objectionable, unconstitutional and fanatical course on the subject of slavery."

On motion of Mr. Redmond, said amendment was laid on the table, and the resolutions read a third time and adopted.

On motion of Mr. Byrne, Senate bill No. 27, entitled "an act to amend the laws of this State granting license for the retail of ardent spirits," was taken up, and the amendments proposed to said bill, by the judiciary committee, adopted.

Mr. Wood moved to amend by exempting the county of Madison from the operation of the bill.

On motion of Mr. Byrne, said amendment was laid on the table.

Mr. Wood moved to lay the bill on the table.

Mr. Holmes called for the ayes and nays, which call being sustained, the roll was called.

Those voting to lay on the table, are

Messrs. Austell, Bruton, Bunch, Burgess, Butts, Calvert, Douglas, Gordon, Gould, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Macon, Neale, Norsworthy, Pettigrew, Poe, Primm, Puryear, Ramsey, Rector, Stringfellow, Tuley, Watson, Whinery and Wood—27.

Those voting in the negative, are

Messrs. Allen, Barton, Baxter, Beck, Brown, Byrne, Cannon, Desha, Edmondson, Ederington, Flippin, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Hunter, Jones of Lawrence, Jernigin, Leslie, Logan, Montgomery, Mathews, Morton, Moulden, Newton, Nunn, Patterson, Redmond, Rice, Smithson, Stillwell, Terry, Williams, Wilson, Witt and Mr. Speaker—38.

So the motion to lay on the table failed.

Mr. Jones of Hot Spring moved to exempt Hot Spring county from the operations of said bill.

Mr. Stringfellow, by exempting the county of Montgomery.
" Tuley, " " " Jefferson.
" Gould, " " " Pike.
" Neale, " " " Chicot.
" Norsworthy, " " " Green.
" Jones of Desha, " " " Desha.

Mr. Stringfellow moved to amend also by striking out "one quart" and inserting "one barrel."

All of which amendments were, on motion, laid on the table and the bill read a third time.

The question now being upon the passage of the bill, Mr.

Burgess called for the ayes and nays, which call was sustained and the roll called.

Those members voting for the passage of the bill, are

Messrs. Allen, Barton, Baxter, Beck, Brown, Butts, Byrne, Calvert, Cannon, Desha, Edmondson, Ederington, Flippin, Gregg, Guice, Hill, Hockersmith, Holmes, Hunter, Jones of Conway, Jones of Lawrence, Jernigin, Leslie, Logan, Matthews, Montgomery, Morton, Moulden, Newton, Patterson, Primm, Redmond, Rice, Smithson, Stillwell, Terry, Watson, Wilson, Witt and Mr. Speaker—40.

Those voting in the negative, are

Messrs. Austell, Bruton, Bunch, Burgess, Douglas, Gordon, Gould, Haggin, Johnson, Jones of Desha, Jones of Hot Spring, Macon, Neale, Norsworthy, Nunn, Pettigrew, Poe, Puryear, Ramsey, Rector, Stringfellow, Tuley, Williams, Whinery and Wood—25.

So said bill was passed.

Mr. Desha introduced a bill, entitled "an act to establish chancery courts."

Which was read a first time.

On motion of Mr. Desha, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

On motion of Mr. Wood, the House went into committee of the whole, to consider House bill to be entitled "an act to aid in the construction of the Cairo and Fulton railroad, and the Fort Smith and Mississippi branches thereof, and for other purposes."

Mr. Wood was called to the chair.

After some time spent therein, the committee arose, and through their chairman, reported progress and asked leave to sit aguin at 2½ o'clock, P. M.

Which report was adopted.

On motion of Mr. Jones of Desha, the Senate joint resolution, raising a joint committee of both houses—five of the Senate and ten of the House—to draft a bill establishing and fixing the line of the railroads in this State, as contemplated by the act of Congress, was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended and the resolution read a second time.

Mr. Wood moved to refer said resolution to the committee on internal improvements.

Which was lost.

On motion of Mr. Stillwell, the rules were suspended, the resolution read a third time and rejected.

Mr. Patterson offered the following resolution:

Resolved, That a committee of three be appointed to confer with Roswell Beebe, esq., President of the Cairo and Fulton Railroad Company, and request him to furnish this House any information in his possession, in relation to a proposition of the

Central Railroad of Illinois to the Cairo and Fulton Railroad Company.

Which was adopted, and Messrs. Patterson, Rector and Desha appointed as such committee.

R. H. Johnson, esq., private secretary of his exellency the Governor, appeared within the bar of the House, and read a lengthy communication from the Governor, transmitting to the House much valuable information in regard to the Cairo and Fulton railroad. [For particulars see appendix, marked letter "P."

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform for honorable body, that the Senate have adopted a joint resolution, raising a joint committee to draft a railroad bill, which is herewith transmitted for the concurrence of your hondrable body.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Nunn offered the following preamble and resolution:

WHEREAS, The late rains have seriously affected the overhead plastering in the hall of the House of Representatives, which endangers the lives of members upon this floor; in order that this danger may be removed,.

Resolved, That the door-keeper be required this day, at one o'clock, to remove all the plastering which is loose or likely to fall off.

Which was read and adopted.

On motion of Mr. Wood, the House took a recess till 2½ o'clock, P. M.

EVENING SESSION, 2½ o'clock.

The House convened.

On motion of Mr. Matthews, the House resolved itself into committee of the whole, to further consider House bill to be entitled "an act to aid in the construction of the Cairo and Fulton railroad, and the Fort Smith and Mississippi branches thereof, and for other purposes."

Mr. Wood in the chair.

After several proposed amendments to said bill the committee arose.

Mr. Neale moved an adjournment, which was lost.

Mr. Flippin moved to suspend the rules, in order to take up House bill "to increase the pay of jailors."

Which motion was also lost.

Mr. Bruton, on leave granted, introduced House bill No. 315, to be entitled "an act fixing the line of the Little Rock and Fort Smith branch of the Cairo and Fulton railroad, and granting the lands, donated by Congress to the State, in aid thereof."

Which was read a first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second time, one hundred copies of the same ordered to be printed, and the bill made the order of the day for Monday next, in committee of the whole.

On leave granted, Mr. Stillwell offered the following resolution:

Resolved, That the use of the hall of the House of Representatives be and the same is hereby tendered to the citizens of Little Rock, for the purpose of giving a concert for the benefit of the Episcopal Church, this evening.

Which was read and adopted.

On motion of Mr. Matthews, the House adjourned until tomorrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

FRIDAY, *Jan. 5th*, 1855.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Mr. Haggin presented the petition of F. Miller, of Carroll county, praying the Legislature to pass an act giving him pay for certain services rendered the State of Arkansas, in the year 1849.

Which petition, on motion of Mr. Haggin, was referred to the committee on claims.

Mr. Watson presented the petition of Isaac Lockmiller and others, praying the Legislature to pass an act somewhat altering the northern boundary line of Johnson county.

Which petition was, on motion of Mr. Watson, referred to a select committee, consisting of Messrs. Watson, Ramsey and Johnson.

Mr. Edmondson introduced House bill No. 316, to be entitled "an act to provide for building a public bridge across Vache Grass creek, in Sebastian county, in this State."

Which was read a first time.

On motion of Mr. Edmondson, the rules were suspended, the bill read a second and third time and passed.

Mr. Butts introduced House bill No. 317, to be entitled "an act to enclose gin houses in Johnson county, and for other purposes."

Which was read a first time.

On motion of Mr. Rice, the rules were suspended, and the bill read a second time.

Mr. Tuley moved to amend said bill by adding thereto the county of Jefferson.

Which amendment was adopted, the rules suspended by motion of Mr. Butts, and the bill, as amended, read a third time and passed.

Mr. Barton introduced House bill No. 318, to be entitled "an act for the relief of James Dick Hill."

Which was read a first time.

On motion of Mr. Barton, the rules were suspended, the bill read a second and third time, and passed.

Mr. Jones of Lawrence introduced House bill No. 319, to be entitled "an act to incorporate the Perkins Institute, in Lawrence county."

Which was read a first time.

On motion of Mr. Nunn, the rules were suspended, and the bill read a second time.

Mr. Johnson moved to amend by striking out that portion of said bill which exempts property from taxation.

Which was read and adopted.

On motion of Mr. Jones of Lawrence, the rules were suspended, the bill, as amended, read a third time and passed.

Mr. Flippin introduced House bill No. 320, entitled "an act to incorporate the President and Trustees of the Bluff Spring Male and Female Academy."

Which was read a first time.

On motion of Mr. Flippin, the rules were suspended, the bill read a second and third time and passed.

Mr. Haggin introduced House bill No. 321, entitled "an act to incorporate the town of Carrollton, in the county of Carroll."

Which was read a first time.

On motion of Mr. Haggin, the rules were suspended, the bill read a second time and referred to a select committee, consisting of Messrs. Haggin, Bunch and Williams.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform your honorable body that the Senate have assented to House bill No. 254, entitled "an act to compensate Samuel H. Hempstead for professional services."

Also, to House bill No. 284, entitled "an act to authorize Benjamin F. Danley to erect and keep a toll-bridge across Palarm creek," with an amendment thereto, to which the assent of your honorable body is respectfully asked.

The Senate have refused to assent to House bill No. 259, entitled "an act to amend section three, of chapter twenty-seven, of the Digest of the State."

All of which are herewith returned.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Holmes introduced House bill No. 322, to be entitled "an act to change the guardianship of Rufus Higginbotham and others, from Dallas county to Calhoun county."

Which was read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Wood, Senate bill No. 88, entitled "an act to incorporate Pleasant View Female Academy, in Huntsville, Madison county," was called up and read a first time.

On motion of Mr. Johnson, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Gregg, Senate bill No. 54, entitled "an act to incorporate the town of Ozark," was taken up, read a second and third time and passed.

On motion of Mr. Beall, House bill No. 271, entitled "an act further to regulate proceedings before justices of the peace of of Clark, Dallas, Hot Spring and Yell counties," was taken up, read a third time and passed.

Mr. Ramsey introduced House bill No. 323, entitled "an act for the benefit of A. J. Bowen, late sheriff of Newton county."

Which was read a first time.

On motion of Mr. Ramsey, the rules were suspended, the bill read a second time and referred to the committee on claims.

Mr. Patterson introduced House bill No. 324, entitled "an act to authorize the treasurer to issue duplicates of swamp land scrip to Samuel Watson, and for other purposes."

Which was read a first time.

On motion of Mr. Patterson, the rules were suspended, and the bill read a second time.

Mr. Williams moved to amend the first section of the bill by adding "and the original scrip in lieu of which the above named pieces are directed to be issued, be and the same is hereby cancelled."

Which was agreed to, and on motion of Mr. Patterson, the bill, as amended, read a third time and passed.

Mr. Leslie had leave to withdraw House bill No. 177, and introduce in lieu thereof a bill, entitled "an act better to define the line between the counties of Searcy and Van Buren."

Which was read a first time.

On motion of Mr. Leslie, the rules were suspended, the bill read a second and third time and passed.

Mr. Rector introduced House bill No. 325, entitled "an act to change the name of George W. Welch to that of George W. Ring."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Hill, Senate bill No. 70, entitled "an act to incorporate the town of Dardanelle," was taken up, and a committee of two appointed to confer with such committee as might be appointed on the part of the Senate, in regard to House amendment to said bill, to wit: "Strike out the 17th section thereof."

The committee appointed on the part of the House are Messrs. Hill and Byrne.

Mr. Holmes introduced House bill No. 326, entitled "an act to authorize the Governor to receive the arms and accoutrements now in possession of the board of guardians of the Arkansas Military Institute."

Which was read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second time, and referred to the committee on the militia.

Mr. Witt introduced House bill No. 327, entitled "an act to authorize William P. McNomee to hawk and peddle without license."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, and referred to the committee on ways and means.

The following message was received from the Governor:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the third of January, 1855, he approved and signed "an act to change the time of electing a judge of the 5th judicial circuit."

An act to authorize certain counties, in the State of Arkansas to obtain field notes and maps of the lands in said counties; an act to amend the 25th section of chapter 153 of the Digest; and also an act to incorporate the town of Princeton.

R. H. JOHNSON,
Private Sec'y.

On motion of Mr. Wood, House bill No. 208, entitled "an act for the relief of Wade Griffin," was taken up, and

On motion of Mr. Gould, the report of the judiciary committee—recommending the rejection of the bill—rejected, and the bill read a third time and passed.

On morion of Mr. Stringfellow, the report of the judiciary committee, recommending the rejection of House bill No. 217, entitled "an act to authorize the administrators of Robert D. Chaney, deceased, to convey certain lands," was adopted, and the bill rejected.

On motion of Mr. Desha, House bill No. 270, entitled "an act for the relief of L. D. Sutton, of Independence county," was taken up, read a third time and passed.

On motion of Mr. Wood, House bill No. 127, entitled "an act to amend the 159th chapter of the Digest," was taken up, read a third time and passed.

Mr. Jones of Conway introduced bill No. 328, entitled "an act to call in the scrip of Conway county."

Which was read a first time.

On motion of Mr. Jones, the rules were suspended, the bill read a second and third time and passed.

Mr. Neale offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That whereas, the last treasury warrant, No. 10,364, dated 12th day of May, 1854, for $31 76, has been redeemed, and the sum of $326 76 is reserved for payment of all the intermediate numbers, which have not yet been presented; therefore, the Treasurer of the State of Arkansas be and he is hereby authorized to commence the next issue of treasury warrants with No. 1.

Which was read a first time.

On motion of Mr. Neale, the rules were suspended, the resolution read a second and third time and adopted.

Mr. Rector introduced bill No. 329, entitled "an act to establish a separate court of chancery at the seat of government, so that the causes of the State, including that against the officers and trustees of the Real Estate Bank, and those of individuals, may be determined as early as practicable."

Which was read a first time.

On motion of Mr. Rector, the rules were suspended, the bill read a second time, and

On motion of Mr. Wood, referred to the committee on the judiciary.

On motion of Mr. Ederington, House bill No. 107, to be entitled "an act to allow clerks of general elections compensation for their services," was taken up, and the amendments, offered by a committee, to said bill read.

Mr. Miller moved to lay said bill and amendments on the table till the 4th July.

Mr. Newton called for the ayes and nays, which call being sustained, the roll was called.

Those members voting in the affirmative, are

Messrs. Austell, Beall, Beck, Brown, Bruton, Bunch, Butts, Calvert, Douglas, Flippin, Haggin, Johnson, Jones of Conway, Jernigin, Leslie, Macon, Miller, Montgomery, Moulden, Neale, Newton, Pettigrew, Primm, Ramsey, Redmond, Rice, Tuley, Watson, Whinery, Witt, Wood and Mr. Speaker—32.

Those voting in the negative, are

Messrs. Barton, Baxter, Burgess, Byrne, Desha, Edmondson, Ederington, Gordon, Gould, Gregg, Hockersmith, Holmes, Jones of Hot Spring, Jones of Lawrence, Logan, Matthews, Nunn, Puryear, Rector, Smithson, Stillwell, Stringfellow, Terry, Williams and Wilson—25.

So the bill and amendments were laid on the table.

On motion of Mr. Barton, Messrs. Patterson and Macon were added to the committee on swamp land investigation.

On motion of Mr. Puryear, Mr. Matthews was also added to said committee.

On motion of Mr. Butts, Mr. Smithson was added to the same committee.

On motion of Mr. Nunn, House bill No. 12, entitled "an act to amend chapter 16th of the Digest of the statutes of Arkansas," was taken up, read a third time and passed.

Mr. Matthews introduced House bill No. 330, entitled "an act to amend section 112 of chapter 4 of the Digest."

Which was read a first time.

On motion of Mr. Matthews, the rules were suspended and the bill read a second time.

Mr. Wood moved a reference of the bill to the committee on the judiciary.

Which motion was lost.

On motion of Mr. Bruton, the rules were suspended, the bill read a third time and passed.

On motion of Mr. Bruton, the House took a recess till 2½ o'clock, P. M.

EVENING SESSION, 2½ o'clock.

The House convened.

On motion of Mr. Smithson, House bill No. 95, to be entitled "an act to amend an act to grant a charter to William F. S. Barkman, to erect a toll-bridge on Bayou de Roche, approved January 2d, 1851," was taken up, and

On motion of Mr. Jones of Hot Spring, the amendments reported to said bill, on the 19th day of last month, were read and adopted, and the bill, as amended, ordered to be engrossed for a third reading on Tuesday next, by motion of Mr. Moulden.

Mr. Allen introduced House bill No. 331, to be entitled "an act to authorize John W. Everett, to hawk and peddle in the county of Ashley, free of license."

Which was read a first time.

On motion of Mr. Allen, the rules were suspended and the bill read a second time.

Mr. Nunn moved to amend said bill by saying that "John Woodrome should be authorized to hawk and peddle in Lawrence county, free of license."

Which was read and adopted.

Mr. Butts moved to amend by authorizing "Peter Carpenter to hawk and peddle in Johnson county, free of license."

Which was also agreed to.

Mr. Johnson moved to amend the bill by saying that "no person or persons, allowed to hawk and peddle goods, wares and merchandise, without license, shall be strictly confined to his own means or capital, and not the capital of any other.

Before any action was taken upon said last amendment, on motion of Mr. Tuley, the House adjourned till to-morrow morning, 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

SATURDAY, *Jan. 6th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

Mr. Wood made the following report:

Mr. Speaker:

The committee on memorials, to whom was referred the petition of sundry citizens of Chicot county, signed by James H. Ranlett and others, protesting against the location of a new county seat, in said county of Chicot, have considered the same, and recommend that the prayer of the petitioners be granted.

WOOD, *Chairman.*

Mr. Barton made the following report:

Mr. Speaker:

The committee on State lands, to whom was referred the petition of C. B. Ivey, etc., have considered the same, and deem it inexpedient to grant the relief asked for.

Also, House bill No. 297, entitled "an act to graduate the price of saline lands, in Van Buren county," and deem it inexpedient to alter or change the price of saline lands.

BARTON, *Chairman.*

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined a resolution, instructing our delegation in Congress to use their best exertions to procure the passage of a law granting lands to the State of Arkansas, to aid in building a railroad from the Missouri line, through certain counties, to Helena.

A resolution relative to the Memphis Navy Yard.

A resolution instructing our delegation in Congress to use their best efforts to procure the passage of an act establishing a mail route from Rockport, in the county of Hot Spring, to Montroy, in the county of Dallas.

A resolution instructing our delegation in Congress to use their efforts to procure a mail route from Osceola, in Mississippi county, to Jacksonport, in Jackson county.

An act to amend and revise the law in relation to the 16th section, in township 13 north, range 6 west.

An act to authorize Joseph A. Lovett and Jared A. Barnes to build a toll-bridge and keep a ferry across Langville river, in St. Francis county.

An act to incorporate the trustees of the Princeton Female Academy.

And report the same correctly enrolled.

HOLMES, *Chairman.*

Mr. Desha made the following report:

Mr. Speaker:

The select committee to whom was referred House bill No. 234, entitled "an act regulating the fees of justices of the peace," have considered the same, and, without amendment, recommend its passage.

DESHA, *Chairman.*

Mr. Calvert offered the following resolution:

Resolved, That this General Assembly adjourn *sine die* on Thursday the 16th inst., and the Senate be requested to concur herein.

Mr. Tuley moved to lay the resolution on the table.

Mr. Puryear called for the ayes and nays, which call being sustained, the roll was called.

Those voting to lay the resolution on the table, are

Messrs. Barton, Beck, Brown, Byrne, Gregg, Haggin, Hockersmith, Hill, Holmes, Hunter, Logan, Miller, Morton, Norsworthy, Nunn, Poe, Smithson, Stillwell, Stringfellow, Tuley, Witt and Mr. Speaker—22.

Those voting against laying on the table, are

Messrs. Austell, Baxter, Beall, Bruton, Bunch, Burgess, Butts, Calvert, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Guice, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Matthews, Montgomery, Moulden, Neale, Newton, Pettigrew, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Terry, Thorn, Watson, Whinery, Wilson and Wood—41.

So the motion to lay on the table failed.

The question now being on the adoption of the resolution, it was decided in the affirmative.

On motion of Mr. Smithson, 300 copies of the late message of his excellency the Governor were ordered to be printed for the use of this House.

Mr. Gordon introduced House bill No. 332, entitled "an act to prevent fraudulent issues of stock."

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Logan introduced bill No. 333, entitled "an act to amend the laws in relation to the sales of the 500,000 acre lands."

Which was read a first time.

On motion of Mr. Logan, the rules were suspended, the bill read a second time, and referred to a select committee, consisting of Messrs. Logan, Watson and Gregg.

Mr. Patterson introduced bill No. 334, entitled "an act to authorize the county courts to levy a road tax and to amend the road laws of this State."

Which was read a first time.

On motion of Mr. Macon, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Mr. Jones of Lawrence introduced bill No. 335, entitled "an act to change the mode of assessing and taxing lands."

Which was read a first time.

On motion of Mr. Jones of Lawrence, the rules were suspended, the bill read a second time and referred to the committee on ways and means.

Mr. Wood made the following report:

Mr. Speaker:

The committee of the whole House, to whom was referred House bill, entitled "an act to aid in the construction of the Cairo and Fulton railroad, and Fort Smith and Mississippi branches thereof, and for other purposes," have considered the same, and instruct me to report the bill back to the House, with sundry amendments, with orders to have the same engrossed, and recommend its passage.

WOOD, *Chairman.*

On motion of Mr. Wood, said above report, with the amendments therein referred to, was adopted.

On motion of Mr. Jones of Desha, further action on said bill was postponed until Monday next, 10 o'clock, A. M.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform your honorable body that the Senate have assented to House bill No. 311, entitled "an act to change the time of holding the circuit courts of Pulaski county."

Also, to House bill No. 129, entitled "an act to repeal the 14th section of an act to provide for the reclaiming of the swamp and overflowed lands donated to this State by the United States, approved January 6th, 1851, and for other purposes."

Which are herewith returned.

The Senate have passed Senate bill No. 96, entitled "an act for the relief of Henry Jacobi."

Also, Senate bill No. 95, entitled "an act to arrange the senatorial districts, and to apportion representatives among the counties to the General Assembly of Arkansas."

Which are herewith transmitted for the assent of the House of Representatives, which is respectfully asked.

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred the resolution of the House in relation to the propriety of a law vesting the legal title to the assets of the State Bank in the State, have had the same under consideration, and the committee are of the opinion that it would be inexpedient to vest the same in the State at present, and the committee have, on a previous day recommended the passage of a bill extending the liquidation act two years longer.

The committee have therefore instructed me to report that they deem it inexpedient to take any action on the subject contemplated in the resolution.

The committee have also had under consideration, the resolution in relation to regulating and changing the fees of all officers in this State, and are unanimously of the opinion that it is inexpedient to take any action on the subject.

The committee have also considered House bill No. 131, entitled an act to provide for the refunding of swamp land scrip, located on unconfirmed swamp and overflowed lands, and to confirm certain irregular entries, and other purposes, which, together with sundry amendments, were referred to them.

The committee have proposed the following as an additional section to the bill, to be numbered the 7th section, and to go between the 6th and 7th sections in said bill, to-wit:

"*Be it further enacted*, That it shall be the duty of the auditor, in issuing patents, as provided in this act and other existing laws, to comprise in one patent all the lands designated in one or more certificates of entry to the same person or persons, and they have changed the 7th section in said bill to be numbered the 8th and the committee have instructed me to report said bill back to the House and recommend its passage as amended.

The committee have also considered House joint resolution in relation to the expediency of making a change in the present mode of interchange of circuits by the circuit judges, and a majority of said committee have instructed me to report the following bill upon the subject contemplated in said resolution, and recommend the passage of the same.

DESHA, *Chairman.*

Said bill, entitled an act to provide for the appointment of special judges, was read a first time.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill to be entitled an act to establish chancery courts, have had the same under consideration, and a majority of the committee have instructed me to report the same back with sundry amendments, and recommend the passage of the bill as amended.

DESHA, *Chairman.*

Messrs. Douglas and Nunn made the following minority report:

Mr. Speaker:

We beg leave to dissent from the report of the majority of the committee, which recommend the passage of the bill establishing chancery courts. 1st. Because of the additional expense which would accrue to the State, on account of the establishment of said courts.

2d. Because the undersigned are unable to comprehend the reasons why the circuit judges of this State, having both chancery and common law jurisdiction, cannot hear and determine all cases in equity, contemplated by said bill. Your minority committee are also of opinion that it would meet the wants of the country much more fully to abolish the distictions in the chancery and circuit courts, so that circuit judges should exercise general jurisdiction and the practice of law should be so modified as to meet the change here suggested.

DOUGLAS and
NUNN.

On motion of Mr. Cannon, Senate bill No. 71, entitled an act concerning the estates of deceased persons, was taken up, and on motion of Mr. Matthews, its consideration postponed till Tuesday next.

On motion of Mr. Holmes, leave of absence was granted Mr. Williams.

On motion of Mr. Gordon, the House took a recess for 10 minutes.

11 o'clock, A. M.

The House convened.

On motion of Mr. Nunn, the Senate were informed that the House was ready to receive them, for the purpose of going into the election of Land Attorney and State Collector, Financial Receiver for the State Bank, and State Treasurer.

The Senate now appeared within the hall of the House and were seated.

Mr. President announced that the object of the convention of the two houses, to be for the purpose of going into the election of Land Attorney and State Collector, Financial Receiver for the State Bank, and State Treasurer, and that nominations were first in order for Land Attorney and State Collector.

Mr. Matthews nominated John T. Trigg.

No further nomination being made, the rolls were called, when it appeared that in the Senate, Mr. Trigg had received 22 votes; in the House 67—joint vote 89.

Those members of the House who voted for Mr. Trigg, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Beck, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Terry, Thorn, Tuley, Watson, Whinery, Wilson, Witt, Wood and Mr. Speaker—67.

Whereupon Mr. President announced that John T. Trigg, having received the unanimous vote of both Houses was duly and constitutionally elected Land Attorney and State Collector, for and during the time prescribed by law.

Mr. President now announced that nominations for Financial Receiver of the State Bank were in order.

Mr. Gregg nominated James F. Fagan.

No further nomination being made, the roll was called, when it appeared that in the Senate Mr. Fagan had received 22 votes; in the House, 67 votes—joint vote 89.

Those members of the House who voted for Mr. Fagan, are

Messers. Allen, Austell, Barton, Baxter, Beall, Beck, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg Guice, Haggin, Hill, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Terry, Thorn, Tuley, Watson, Whinery, Wilson, Witt, Wood and Mr. Speaker—67.

Whereupon the President announced that James F. Fagan, having received the unanimous vote of both Houses was duly and constitutionally elected Financial Receiver for the State Bank, for and during the time prescribed by law.

Mr. President then announced that nominations for State Treasurer, were in order.

Mr. Jernigin nominated A. H. Rutherford.

Mr. Totten, of the Senate, nominated John H. Crease.

No further nominations being made, the roll was called, when it appeared that Mr. Rutherford had received in the Senate, 10 votes, and in the House of Representatives 43 votes—joint vote 53.

Mr. Crease received 12 votes in the Senate and 21 in the House of Representatives—joint vote 33.

Those members of the House who voted for Mr. Rutherford, are

Messrs. Allen, Austell, Baxter, Barton, Beall, Burgess, Byrne, Cannon, Desha, Ederington, Edmondson, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Hill, Holmes, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Matthews, Morton, Moulden, Neale, Norsworthy, Nunn, Patterson, Poe, Powel, Primm, Ramsey, Redmond, Smithson, Stillwell, Terry, Wilson, Witt and Wood—43.

Those members of the House who voted for Mr. Crease, are

Messrs. Beck, Bruton, Bunch, Butts, Calvert, Douglas, Hockersmith, Hunter, Jones of Desha, Leslie, Macon, Miller, Montgomery, Newton, Pettigrew, Puryear, Rice, Tuley, Watson, Whinery, and Mr. Speaker—21.

Messrs. Rector and Thorn voted for Isaac C. Mills.

Mr. Stringfellow voted for James A. Stall.

Whereupon, Mr. President announced that A. H. Rutherford, having received a majority of all the votes cast, was duly and constitutionally elected Treasurer for the State of Arkansas, for and during the time prescribed by law.

The Senate now retired to their chamber.

Mr. Miller introduced House bill No. 337, to be entitled an act to borrow money.

Which was read a first time.

On motion of Mr. Miller, the rules were suspended and the bill read a second time.

Mr. Whinery moved to reject said bill.

Mr. Newton called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted to reject said bill, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Beck, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gould, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Macon, Matthews, Montgomery, Moulden, Neale, Newton, Nunn, Patterson, Pettigrew, Powel, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Thorn, Watson, Whinery, Wilson, Witt, Wood and Mr. Speaker—54.

Those voting in the negative, are

Messrs. Gordon, Jones of Desha, Leslie, Logan, Miller, Morton, Norsworthy, Poe, Stringfellow and Terry—10.

So the bill was rejected.

Mr. Austell introduced House bill No. 338, to be entitled an act to aid in the construction of the Memphis and Little Rock railroad.

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second ttme; 100 copies of the same ordered to be printed, and the bill made the special order of the day for Tuesday next, on motion of Mr. Barton.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to inform your honorable body that the Senate have concurred in the resolution of the House, proposing to adjourn *sine die*, on the 16th instant.

W. L. D. WILLIAMS,
Sec'y of Senate.

Mr. Gordon introduced House bill No. 339, to be entitled an act to regulate the rights of cultivators of the swamp and overflowed lands, and for other purposes.

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended, the bill read a second time and referred to the committee on swamp lands.

Mr. Barton moved to adjourn till Monday morning 9 o'clock.

Which motion was lost.

Mr. Patterson asked leave to take up certain proposed amendments to the constitution, heretofore proposed by himself. Before any action taken thereon, On motion of Mr. Norsworthy, the House adjourned until Monday morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. Representatives.

MONDAY, *Jan.* 8, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of Saturday last was read and approved.

Petitions from counties were in order.

Mr. Wood presented the petition of John Berry, of Madison county, remonstrating against a repeal of an act declaring King's river a navigable stream.

Which, on motion of Mr. Wood, was referred to a select committee, heretofore appointed to consider a petition praying the repeal of said above act.

On motion of Mr. Butts, Messrs. Jones of Conway and Hill were added to said select committee.

On motion of Messrs. Bunch, Haggin and Johnson, Messrs. Ramsey, Bunch and Wood, were also added to said committee.

Mr. Ramsey presented the petition of sundry citizens of Newton county, remonstrating against the passage of any bill or resolution, by the General Assembly, having for its object a change in said county line, or a removal of the county seat thereof.

On motion of Mr. Norsworthy, said petition was referred to the committee on county and county lines.

Reports from standing committees were in order.

Mr. Redmond made the following report:

Mr. Speaker:

The committee on ways and means, to whom was referred House bill No. 234, entitled an act to authorize the county courts to levy a road tax, and for other purposes, have considered the same and recommend its rejection.

REDMOND, *Chairman.*

Mr. Redmond reported further, that said committee had also considered House bill No. 110, entitled an act to make an appropriation to pay State's attorneys, etc., for the years 1853 and 1854, and recommended its passage.

On motion of Mr. Baxter, the rules were suspended, said bill No. 110, read a third time and passed.

Mr. Redmond also reported that said committee had considered House bill 327, entitled an act authorizing William P. McNomee, of Ouachita county, to hawk and peddle without license, and recommend its rejection.

REDMOND, *Chairman.*

Mr. Witt moved to reject last report.

Which motion was lost, when

On motion of Mr. Redmond, the report was adopted, and said bill, No. 327, rejected.

Mr. Redmond also reported that the committee on ways and means had considered House bill No. 335, entitled an act to change the mode of assessing and taxing lands, and recommend its passage.

Mr. Watson moved to lay said bill No. 335, on the table till the 4th July.

Mr. Ramsey called for the ayes and nays, which call being sustained, the roll was called.

Those voting to lay on the table, are

Messrs. Barton, Beall, Beck, Brown, Byrne, Cannon, Edmondson, Ederington, Gregg, Guice, Matthews, Montgomery, Neale, Newton, Norsworthy, Pettigrew, Powel, Primm, Puryear, Stillwell, Thorn, Watson, Wilson and Mr. Speaker—24.

Those voting in the negative, are

Messrs. Allen, Austell, Baxter, Bruton, Bunch, Burgess, Butts, Calvert, Desha, Douglas, Flippin, Gordon, Haggin, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Miller, Morton, Moulden, Nunn, Patterson, Poe, Ramsey, Rector, Redmond, Rice, Smithson, Stringfellow, Terry, Tuley, Whinery, Witt and Wood—43.

So said bill was not laid on the table.

The question now being on the passage of the bill, Mr. Primm called for the ayes and nays, which call was sustained, and the roll called:

Those members voting for the passage of the bill, are

Messrs. Allen, Bruton, Bunch, Burgess, Butts, Douglas, Gordon, Haggin, Hill, Hunter, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Miller, Moulden, Nunn, Poe, Ramsey, Rector, Stringfellow, Terry, Tuley, Whinery and Wood—28.

Those voting in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Beck, Brown, Byrne, Calvert, Cannon, Desha, Edmondson, Ederington, Gould, Guice, Hockersmith, Holmes, Jacoway, Logan, Macon, Matthews, Montgomery, Morton, Neale, Norsworthy, Newton, Patterson, Pettigrew, Powel, Primm, Puryear, Redmond, Rice, Smithson, Stillwell, Thorn, Watson, Wilson, Witt and Mr. Speaker—39.

So the bill did not pass.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your honorable body that the Senate have assented to the joint resolution of the House, to pay the funeral expenses of Hon. W. S. Wade, deceased, with an amendment thereto, to which the concurrence of your honorble is respectfully asked.

Also, to House bill No. 268, to be entitled "an act to extend the charter of a toll-bridge for James Campbell, in Conway county, Arkansas.

Also, to House bill No. 322, to be entitled "an act to transfer the settlements of the accounts and guardianship of Rufus Higginbotham, Nancy Higginbotham, Elizabeth Higginbotham and Amanda C. Higginbotham from the county of Dallas to the county of Calhoun."

Also, to House bill No. 178, to be entitled "an act to pay for work done upon State House furniture," etc.

Also, to House bill No. 218, to be entitled "an act to legalize the sale of lots No. 9, 15 and 16, of the 16th section, in the county of Crittenden."

All of which are herewith returned.

The Senate have passed and adopted as a substitute for House bill No. 150, to be entitled "an act to prevent slaves from carrying arms in Monroe and other counties."

Senate bill No. 101, to be entitled "an act to prevent slaves from carrying fire-arms in the counties of Monroe, Yell, White, Union, Polk, Ouachita, Lafayette, Sebastian, Hempstead, Ashley and Van Buren, and to prescribe a penalty for a breach thereof."

Which is herewith transmitted for the consideration of the House of Representatives, together with the original House bill.

The Senate have assented to House amendment to Senate bill No. 27, to be entitled "an act to amend the laws of this State, granting license for the retail of ardent spirits."

The Senate have adopted a joint resolution, raising a joint committee from the two Houses of the General Assembly, three on the part of the Senate, and such number as may be appointed on the part of the House of Representatives, to whom all matters connected with the Memphis and St. Francis plankroad company shall be referred, with instructions to said committee to hear, determine, and report the result of their deliberations upon all matters that may be presented to said committee by said company, their agents or attorneys.

Which is herewith transmitted for the deliberation of the House of Representatives,

The committee on the part of the Senate, are Messrs. Rosson, Askew and Green.

I also present for your honor's signature "an act to restrain the circulation of change tickets."

Also, "an act to incorporate Pleasant View Female Academy, in the town of Huntsville, Madison county."

W. L. D. WILLIAMS,
Secretary of Senate.

The following communication was received from his Excellency, the Governor, by the hands of R. H. Johnson, esq., his private secretary:

Executive Office,
Little Rock, Arks., 8th Jan., 1854.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

There has been presented to me for my approval, a bill entitled "an act better to define the eastern boundary line of Marion county, and for other purposes;" but so far as this bill would effect Fulton county, it is, to my mind, clearly in violation of section 29, article 4 of the constitution of this State, as the whole number of square miles left, as the area of Fulton county would be only about 700, I therefore return the bill for reconsideration.

ELIAS N. CONWAY.

The following message was received from the Governor:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 6th of January, 1855, he approved and signed "an act to grant a charter to James H. Patterson and James F. Saffold, to make a turnpike road across Departee swamp, immediately back of the town of Grand Glaize, in Jackson county, and to erect a toll-gate on the same, and also to build a bridge across Departee creek where said turnpike road crosses the same."

And also, "an act to incorporate the town of Magnolia, in Columbia county."

R. H. JOHNSON,
Private Sec'y.

Mr. Rector made the following report:

Mr. Speaker:

The committee on internal improvements, to whom was referred House bill No. 204, entitled "an act to authorize dams to be built across navigable streams," have considered the same, and recommend its passage.

RECTOR, *Chairman.*

Mr. Jones of Hot Spring, offered the following resolution:

Resolved, That this House take up no other business until the rail road question is disposed of.

Which was lost.

Mr. Gregg introduced House bill No. 340, entitled "an act to amend the 159th chapter of the Digest."

Which was read a first time.

Mr. Wood moved to reject said bill.

Which motion was lost, and, on motion of Mr. Gregg, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

Mr. Stillwell introduced House bill No. 341, entitled "an act to incorporate the Little Rock Lumber and Manufacturing Company."

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second time, and referred to a select committee, consisting of Messrs. Stillwell, Rector and Williams.

Mr. Rice introduced House bill No. 342, entitled "an act to empower counties, cities and towns, to take stock in railroads, and for other purposes."

Which was read a first time.

On motion of Mr. Rice, the rules were suspended, the bill read a second time, and referred to the committee on internal improvements.

Mr. Jones of Lawrence, introduced House bill No. 343, entitled "an act concerning donation lands."

Which was read a first time.

On motion of Mr. Jones of Lawrence, the rules were suspended, the bill read a second time, and referred to the committe on the judiciary.

Mr. Edmondson introduced House bill No. 344, entitled "an act to dispose of the lands granted, by act of Congress, to the State of Arkansas for railroad purposes."

Which was read a first time.

On motion of Mr. Haggin, the rules were suspended, the bill read a second time, and,

On motion of Mr. Edmonson, referred to the committee on internal improvements.

Mr. Thorn introduced House bill No. 345, entitled "an act concerning free negroes."

Which was read a first time.

On motion of Mr. Powel, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary.

On motion of Mr. Powel, House bill, No. 309, entitled "an act to extend the act putting the State Bank into liquidation, and other acts amendatory thereto," was taken up, read a third time and passed.

On motion of Mr. Wood, House bill entitled "an act to aid in the construction of the Cairo and Fulton Railroad," was taken up.

The question being upon the adoption of Mr. Patterson's amendment to strike out of fourth line, section second, "capital stock," and insert in lieu thereof, the words "roads, lands, houses and property," Mr. Patterson called for the ayes and nays, which call was sustained, and the roll called.

Those members voting in the affirmative, are

Messrs. Bruton, Butts, Cannon, Gordon, Gregg, Holmes, Hunter, Jacoway, Jones of Conway, Jones of Lawrence, Macon, Montgomery, Newton, Patterson, Pettigrew, Powel, Primm, Ramsey, Redmond, Rice, Smithson, Stringfellow, Watson Williams, Wood and Mr. Speaker—26.

Those voting in the negative, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Beck, Bunch, Burgess, Byrne, Calvert, Desha, Douglas, Edmondson, Ederington, Flippin, Gould, Guice, Haggin, Hill, Hockersmith, Johnson, Jernigin, Leslie, Matthews, Miller, Morton, Moulden, Norsworthy, Nunn, Poe, Puryear, Rector, Stillwell, Terry, Thorn, Tuley, Whinery, Wilson and Witt—40.

So the amendment was not adopted.

Mr Desha moved to amend said bill by striking out the words "capital stock of said road," and insert in lieu thereof, between the words "the" and "equal," the following: "road fixtures, lands, tenements and houses,"—add after the word "being" in the fifth line of said section, the following: "and for the purposes of taxation the road fixtures, lands, tenements and houses, shall be considered separate and distinct from the capital stock, whether all the capital stock shall be expended in building said road fixtures, tenements, houses, etc., or not, and the capital stock shall be exempt from taxation as provided for in the 11th section of said Cairo and Fulton Railroad charter, approved 12th January, 1853."

Which was read and adopted.

On motion of Mr. Montgomery, the House took a recess until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

The House convened, and resumed the consideration of House bill, to be entitled "an act to aid in the construction of the Cairo and Fulton Railroad."

Mr. Montgomery moved to amend said bill by striking out the second section of the same.

Which amendment, on motion of Mr. Rector, was laid on the table.

Mr. Bruton moved to amend said bill, after the word "connection," in line 5th, section 5th, as follows: "provided that the Fort Smith and Mississippi branches be entitled to their proportionate part of the lands as donated at said junction."

Which amendment was adopted.

Mr. Tuley moved to amend the seveuth section of said bill by striking out the word "ninety," and insert in lieu thereof, the word "thirty."

Which amendment was lost.

Mr. Gregg moved to amend section 4th of said bill by adding after the word "State," "or any other company selected by the legislature for that purpose."

Which amendment was also lost.

Mr. Patterson moved to amend the second section of said bill by adding the following: "Provided such tax may be assessed at any time when said company, by their directors, shall declare a dividend of 10 per cent per annum upon the capital stock; and, provided further, that the Governor of this State may, at any time, if, in his opinion, said directors conceal or misstate the true condition of the company, appoint three commmissioners to investigate the affairs of said company, who shall have power to examine the officers of the company on oath, and compel them by attachment, if necessary, to furnish said commissioners with the books, papers and all necessary information, to enable said commissioners to determine the amount of the dividends of said company."

Mr. Tuley moved to lay said amendment on the table till the 4th of July.

Mr. Montgomery called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Barton, Bunch, Burgess, Byrne, Calvert, Desha, Edmondson, Ederington, Flippin, Gould, Gregg, Guice, Hockersmith, Hunter, Johnson, Matthews, Norsworthy, Primm, Puryear, Ramsey, Tuley, Whinery Williams, Wilson, Wood and Mr. Speaker—28.

Those members who voted in the negative, are

Messrs. Baxter, Beall, Beck, Brown, Bruton, Butts, Cannon, Douglas, Gordon, Hill, Holmes, Jacoway, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Montgomery, Moulden, Newton, Nunn, Patterson, Pettigrew, Poe, Powel, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Terry, Thorn, Watson and Witt—38.

So the motion to lay on the table did not prevail.

Mr. Bruton moved the adoption of the said amendment, and the question being submitted, was decided in the affirmative.

Mr. Desha moved to amend said bill by adding the following provision: "*Provided however*, That in case the whole of said railroad is not completed within the time, as required by the act of Congress, making said grant of land for the purpose of building said road, then, and in that event, so much of said road as shall be completed, together with the fixtures, lands, tenements, etc., pertaining and belonging to said completed part, after the expiration of twenty years from the date of the completion of said part, shall be subject to taxation in the same manner as is provided for in this section, in case the whole of said road has been completed."

Which amendment was read and lost.

On motion of Mr. Guice, said bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Redmond asked and obtained leave to introduce House bill No. 347, to be entitled "an act to aid in the construction of the Arkansas Midland Railroad."

Which was read a first time

On motion of Mr. Wood, the rules were suspended, the bill read a second time—100 copies of the same ordered to be printed—and the bill made the order of the day for Wednesday next.

Mr. Wood asked and obtained leave to call up Senate joint resolution, raising a joint committee to inquire into all matters in regard to the Memphis and St. Francis Plank Road Company, which was read and concurred in, and, On motion of Mr. Wood, a committee of five were appointed to carry out the spirit and intention of said resolution, consisting of Messrs. Austell, Puryear, Macon, Tuley and Beck.

Mr. Tuley moved an adjournment—which was lost.

Mr. Barton called up House bill No. 159, to be entitled "an act to repeal a part of section 22, of chapter 69, of the Digest."

Which was read a third time and passed.

Mr. Powel had leave to introduce the following resolution:

Resolved, That the clerk of this House be authorized to employ the assistance of a clerk at $5 per day, during the balance of the session, if necessary, and that the Speaker certify the account of the principal clerk for such amount, to be drawn out of the contingent fund.

Which was read and adopted.

On motion of Mr. Logan, the House took a recess until 7 o'clock, p. m.

NIGHT SESSION, 7 O'CLOCK, P. M.

The House convened.

On motion of Mr. Gregg, House bill No. 87, to be entitled "an act to amend section 4, article 3, of chapter 51, of the Digest, under the head of gaming," was taken up and read a second time.

On motion of Mr. Gregg, the rules were suspended, and the bill read a third time.

Mr. Tuley moved to lay said bill on the table till the 4th of July.

Mr. Wood called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Jones of Desha, Logan, Miller, Stringfellow, Tuley and Whinery—7.

Those members who voted in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Beck, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Hill, Hcckersmith, Jones, of Conway, Jones of Hot Spring, Jones of Lawrence, Leslie Matthews, Montgomery, Moulden, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Poe, Powel, Puryear, Ramsey, Redmond, Smithson, Stillwell, Thorn, Watson, Williams, Witt, Wood and Mr. Speaker—51.

So the motion to lay on the table did not prevail.

Mr. Montgomery proposed to amend said bill by way of rider, as follows:

"SEC. —. *Be it further enacted*, That nothing in this act shall be so construed as to make the owners of property responsible who have rented or leased out any such premises to other persons,"—which was read a first time, and on motion of Mr. Patterson, laid on the table.

Mr. Wood moved to put the bill on its final passage, and moved the previous question.

The question being shall the bill pass, Mr. Miller called for the ayes and nays, which call being sustained, the roll was called.

Those members voting in the affirmative, are

Messrs. Austell, Barton, Beall, Beck, Brown, Bruton, Bunch, Butts, Byrne, Calvert, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Jones of Conway, Jones of Lawrence, Leslie, Matthews, Morton, Newton, Norsworthy, Nunn, Patterson, Pettigrew, Powel, Puryear, Ramsey, Redmond, Stillwell, Watson, Wilson, Witt, Wood and Mr. Speaker—42.

Those members who voted in the negative, are

Messrs. Allen, Burgess, Desha, Jones of Desha, Jones of Hot Spring, Logan, Miller, Montgomery, Moulden, Neale, Poe, Primm, Rector, Smithson, Stringfellow, Thorn, Tuley and Whinery—18.

So the bill passed.

Mr. Neale moved an adjournment—which was lost.

Mr. Smithson introduced House bill No. 348, to be entitled "an act concerning the town of Fayetteville."

Which was read a first time.

On motion of Mr. Smithson, the rules were suspended, the bill read a second and third time and passed.

Mr. Redmond called up House bill No. 101, to be entitled "an act to prevent slaves from carrying fire arms in the counties of Monroe, Yell, White, Union, Polk, Ouachita, Lafayette, Sebastian, Hempstead, Ashley and Van Buren, and to prescribe a penalty for a breach thereof."

Which was read a first time.

On motion of Mr. Redmond, the rules were suspended, the bill read a second and third time and passed.

Mr. Gregg was called to the chair.

Mr. Wilson moved an adjournment—which was lost.

Mr. Desha called up House resolution proposing to give the the public acts of this State to the New York Law Institute.

Which was read a second and third time and adopted.

Mr. Logan, on leave granted, offered the following resolution:

Resolved, That this House hold a session to-morrow night, for the transaction of private business.

Which was read and adopted.

Mr. Tuley moved an adjournment—which was lost.

Mr. Wood asked and obtained leave to call up House bill No. 336, to be entitled "an act to provide for the appointment of special judges.".

Which was read a second time.

Mr. Wood moved to amend said bill by striking out all after the enacting clause, and inserting the following, viz:

"That when any circuit judge in any cause or causes at law, or in chancery now pending, or hereafter to be brought in any of the circuit courts of this State, shall have been of counsel, or shall be interested therein, or related to the parties within the degrees prescribed by law, or otherwise incompetent to try the cause or causes, it shall be his duty, and he is hereby authorized to immediately designate some fit and proper person, of sufficient law knowledge, and otherwise competent to hear, try and determine such cause or causes, and if a majority of the members of the bar then present shall not object to the person so named, he shall immediately proceed to hear, try and determine such cause or causes, and for that purpose, shall possess all the powers and authority vested in a circuit judge."

"SEC. 2. Before he proceeds to try or determine any such cause or causes, he shall take an oath, to be administered by the clerk, well and truly and impartially, and according to the best of his skill and ability, to try, hear and determine such cause or causes, which appointment and oath shall be noted on the record, and become a part of the record entries in the cause or causes."

"SEC. 3. That the person so selected shall receive fifteen dollars for every cause he shall decide, payable out of the State Treasury on the certificate of the clerk of the court."

"SEC. 4. This act shall be in force from and after its passage."

Pending said amendment, Mr. Jones, of Desha, moved an adjournment till to-morrow morning, 9 o'clock, which motion prevailed, and the House adjourned.

SAML. MITCHELL,
Speaker Ho. of Reps.

TUESDAY MORNING, *Jan. 9th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

On leave granted, Mr. Nunn called up House resolution providing for the payment of the funeral expenses of the Hon. W. S. Wade, deceased.

The amendments proposed to said resolution by the Senate were read a first time.

On motion of Mr. Nunn, the rules were dispensed with, the amendments read a second and third time and concurred in.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform your honorabl body that the Senate have assented to House bill, to be entitled "an act to provide for the building of a work shop within the walls of the penitentiary, and for other purposes," with two slight amendments thereto, to which the assent of your honorable body is respectfully asked.

The Senate have passed Senate bill No. 26, to be entitled "an act supplemental and amendatory of an act to incorporate the Arkansas, Mining, Manufacturing and Chemical Company," approved January 12th, 1853.

Which is herewith transmitted for the assent of your honorable body.

I am directed to present for your honor's signature, "an act to amend the laws of this State granting a license for the retail of ardent spirits."

Also, "an act to incorporate the town of Ozark."

W. L. D. WILLIAMS,
Sec'y Senate.

On motion of Mr. Morton, Senate bill No. 19, entitled "an act to amend in part the 153d chapter of the Digest, in relation to the police regulation of slaves," was taken up.

Mr. Morton moved to reject the report of the committee recommending the rejection of the bill.

Which motion was lost, when,

On motion of Mr. Guice, said report was adopted and the bill rejected.

Mr. Johnson was called to the chair.

On motion of Mr. Whinery, the morning business was dispensed with, and House bill, entitled "an act to aid in the construction of the Cairo and Fulton railroad," was taken up.

On motion of Mr. Baxter, the vote taken yesterday on the adoption of the amendment offered by Mr. Patterson, was reconsidered.

The question being on the adoption of said amendment, was again decided in the affirmative.

Mr. Desha offered to amend said bill by way of rider, as follows: "*Provided however*, That in case the whole of said railroad is not completed within the time as required by the act of Congress making said grant of land, for the purpose of building said road, then and in that event, so much of said road as shall be completed, together with the fixtures, lands, tenements, etc., pertaining and belonging to said completed part, after the expiration of twenty years from the date of the completion of said part, shall be subject to taxation in the same manner as is provided for in this section, in case the whole of said road had been completed."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the rider read a second and third time and adopted.

On motion of Mr. Wood, the previous question, which was the passage of the bill, was put.

Mr. Butts called for the ayes and nays, which call being sustained, the roll was called.

Those voting for the passage of the bill, are

Messrs. Austell, Allen, Barton, Baxter, Beall, Beck, Brown, Bruton, Bunch, Burgess, Calvert, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Nunn, Poe, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Terry, Thorn, Tuley, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—63.

Those voting in the negative, are

Messrs. Butts, Byrne, Cannon, Patterson; Pettigrew, Powel and Watson—7.

So said bill passed.

On motion of Mr. Bruton, the orders of the day were taken up.

On motion of Mr. Moulden, the House went into committee of the whole to consider House bill No. 315. entitled "an act fixing the line of the Fort Smith and Little Rock branch of the Cairo and Fulton railroad, and granting the lands donated by Congress to the State in aid thereof."

Mr. Puryear in the chair.

After deliberating sometime therein, the committee arose, and through their chairman reported progress, and asked leave to sit again this afternoon at 2½ o'clock.

Which report was adopted.

On motion of Mr. Wood, the House took a recess till 2½ o'clock, P. M.

EVENING SESSION, 2½ o'clock.

The House convened.

On motion of Mr. Wood, the House went into committee of the whole, and resumed the further consideration of House bill No. 315, entitled "an act fixing the line of the Fort Smith branch of the Cairo and Fulton railroad, and granting the lands donated by Congress to the State in aid thereof."

Mr. Puryear in the chair.

After a lengthy debate upon sundry amendments proposed to said bill, the committee arose, reported progress, and asked leave to sit again at 6 o'clock, P. M.

Which was adopted, and the House,

On motion of Mr. Wood, took a recess till 6 o'clock, P. M.

NIGHT SESSION, 6½ o'clock.

The House convened.

Mr. Ederington offered the following resolution:

Resolved, That the resolution adopted on last night, to hold a night session on this day for the transaction of private business, be and the same is hereby rescinded.

Which was read and adopted.

On motion of Mr. Wood, House bill, to be entitled "an act to provide for the building of a work-shop within the walls of the penitentiary, and for other purposes," was taken up, and the amendment of the Senate thereunto proposed, read and concurred in.

Mr. Bunch was called to the chair.

Mr. Ederington called up House bill, to be entitled "an act to regulate the common school system of the State of Arkansas."

Mr. Matthews moved to lay said bill on the table till the 4th July.

Mr. Redmond called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Bruton, Butts, Cannon, Gordon, Gregg, Holmes, Jones of Hot Spring, Matthews, Moulden, Neale, Newton, Patterson, Powel, Primm, Ramsey, Smithson, Thorn and Wilson—18.

Those members who voted in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Beck, Brown, Bunch, Burgess, Byrne, Desha, Douglas, Edmondson, Ederington, Flippin, Gould, Guice. Haggin, Hill, Hockersmith, Jacoway, Jones of Conway, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Miller, Morton, Norsworthy, Nunn, Pettigrew, Poe, Puryear, Rector, Redmond, Rice, Stillwell, Terry, Watson, Whinery, Witt, Wood and Mr. Speaker—43.

So the bill was not laid on the table.

On motion of Mr. Matthews, the House went into committee of the whole to consider the above entitled bill.

Mr. Bunch in the chair.

After a short time spent therein, the committee arose, and through their chairman reported progress.

On motion of Mr. Jernigin, the House resolved itself into committee of the whole, to deliberate upon House bill, to be entitled "an act fixing the line of the Fort Smith branch of the Cairo and Fulton railroad, and granting the lands donated by Congress to the State in aid thereof."

After considerable time spent therein, the committee arose, and through their chairman, reported progress, and asked leave to sit again on to-morrow morning 9 o'clock.

On motion of Mr. Gordon, said report was adopted, and the House adjourned, on motion of Mr. Bruton, till to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

WEDNESDAY, *Jan.* 10*th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Mr. Patterson had leave to call up House bill No. 334, entitled "an act to authorize the county courts to levy a road tax, and for other purposes."

On motion of Mr. Patterson, the bill was recommitted to a select committee, consisting of Messrs. Patterson, Williams, Edmondson, Ederington and Wood.

Mr. Miller offered the following resolution:

Resolved, That both branches of the General Assembly unite in convention in the hall of the House, for the purpose of electing a State printer, on Thursday, the 11th inst., whose duty it shall be to print the acts and journals of the present General Assembly, the decisions of the supreme court, and all other printing now required to be done by law, and that the Senate be requested to concur herein.

On motion of Mr. Gregg, said resolution was referred to the committee on printing.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to transfer the guardianship of Rufus Higginbotham and others, from Dallas to Calhoun county."

"An act to extend the charter of a toll-bridge for James Campbell, in Conway county."

"An act to pay for work done on State House furniture," etc.

"An act to change the time of holding Pulaski circuit courts."

"An act to compensate Samuel H. Hempstead for professional services," and report the same as correctly enrolled.

HOLMES, *Chairman*.

On motion of Mr. Bruton, the House resolved itself into committee of the whole, on the further consideration of the Fort Smith and Little Rock branch of the Cairo and Fulton railroad."

Mr. Puryear in the chair.

The committee, after deliberating some time, arose, and through their chairman, reported the bill back to the House, with sundry amendments thereto, and recommended the passage of the bill as amended.

On motion of Mr. Bruton, said report was adopted, the amendments therein referred to, read a first and second time and adopted.

On motion of Mr. Wood, the bill was then ordered to lay on the table till to-morrow 10 o'clock, A. M.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 301, to be entitled "an act to amend an act to incorporate Arkansas College."

Also, to House bill No. 325, to be entitled "an act to change the name of George W. Welch to George W. Ring."

Also, to House bill No. 109, to be entitled "an act to revive the ballot system of voting, and for other purposes."

Also, to House bill No. 309, to be entitled "an act to extend the act putting the State Bank into liquidation, and other acts amendatory thereto."

Also, to House bill No. 175, to be entitled "an act for the relief of William Gillam."

All of which are herewith returned.

The Senate have concurred in the joint resolution of the House, instructing our Senators and requesting our Representatives to use their exertions to procure the establishment of a weekly mail route from Huntsville, Arkansas, to Augustus Todd's, in Madison county, thence to M. D. Tilford's, in said county.

Which is herewith returned.

The Senate have passed Senate bill No. 106, to be entitled "an act to change and fix the time of holding the circuit courts in the 3d judicial circuit."

Also, Senate bill No. 92, to be entitled "an act amendatory of an act regulating the election, duties and compensation of public printer."

Also, Senate bill No. 91, to be entitled "an act for the relief of Carney C. Straughan, sheriff of Lawrence county."

Also, Senate bill No. 110, to be entitled "an act to legalize the sale of lots No. 6 and 7, in Yellville, to James H. Berry and James M. Cowdry."

Also, bill to be entitled "an act to provide for assessing and collecting taxes upon lands donated by this State."

All of which are herewith transmitted for the consideration of the House of Representatives.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Newton made the following report:

Mr. Speaker:

The committee on county and county lines, to whom was referred House bill No. 312, entitled "an act to establish the county of Douglas," and also the petition of sundry citizens of Poinsett and Green counties, praying this General Assembly to create and establish a new county out of the territory of Poinsett and Green, have examined and considered the same, and unanimously instruct me to make the following report:

That the committee is fully satisfied that it is almost the entire wish and desire of the citizens of Poinsett county, to have a new county, as well also as a majority of those of Green.

The committee are furthermore of the opinion, that the public convenience of these citizens, by the establishment of a new county, would be greatly accommodated; that said committee find, upon an examination, that a new county can be established with the constitutional area of square miles, out of the territory of Poinsett, Green and Mississippi counties, without reducing either of them below their constitutional limits; and with a view to effect this object, the committee have prepared the accompanying bill, which they ask leave most respectfully to offer as a substitute for the original bill, and recommend its passage.

NEWTON, *Chairman.*

Mr. Barton moved to reject said report, but before any action taken thereon,

On motion of Mr. Jernigin, the House took a recess tlil $2\frac{1}{2}$ o'clock, P. M.

EVENING SESSION, $2\frac{1}{2}$ o'clock.

The House convened.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have carefully examined a resolution of the General Assembly, instructing our delegation in Congress to procure the passage of a law, granting a weekly mail route, commencing at Huntsville, and terminating at Washbourne's Prairie, in Missouri.

A resolution making appropriations to pay the funeral expenses of the late honorable Messrs. Wade and Judkins.

An act to legalize the sale of lots No. 9, 15 and 16, of the 16th section, in township 7, north of range 7, east of the 5th principal meridian, in the county of Crittenden.

An act to ropeal the 14th section of an act to provide for the reclaiming of the swamp and overflowed lands donated to the State by the United States, approved 6th January, 1851.

Also, an act to extend an act putting the State Bank into liquidation, and other acts amendatory thereto, and report the same correctly enrolled.

HOLMES, *Chairman.*

Mr. Patterson offered the following resolution:

Resolved, That a committee of conference be appointed, to consist of five on the part of the House, and such number as the Senate may appoint to confer as to the propriety of amending House bill, granting lands to the Cairo and Fulton railroad company, so as to require said company to build the road by Jacksonport; *Provided*, That the citizens of said town will subscribe an amount of stock equal to the difference in the cost of the two routes.

Which resolution was read and adopted, and Messrs. Patterson, Cannon, Wood, Puryear and Desha, appointed as the committee on the part of the House.

Mr. Logan made the following report:

Mr. Speaker:

The select committee, to whom was referred House bill No. 333, to be entitled "an act to amend the laws in relation to the sale of the 500,000 acre donation of lands," have had the same under consideration, and have instructed me to report the same back to the House, without amendment, and recommend its passage.

LOGAN, *Chairman.*

Mr. Holmes moved the adoption of said report, which motion was lost.

The question now being upon the rejection of the report made by the committee on county and coanty lines, in the forenoon, in regard to establishing the county of Douglas, Mr. Barton called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Barton, Beall, Beck, Brown, Bunch, Butts, Cannon, Douglas, Ederington, Gould, Gregg, Guice, Johnson, Matthews, Moulden, Patterson, Pettigrew, Smithson, Stillwell, Williams, Wilson, Wood and Mr. Speaker—23.

Those members voting in the negative, are

Messrs. Allen, Austell, Bruton, Burgess, Byrne, Calvert, Desha, Edmondson, Flippin, Gordon, Haggin, Hockersmith, Holmes, Hunter, Jacoway, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Montgomery, Morton, Newton, Norsworthy, Nunn, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow, Thorn, Tuley, and Witt—37.

So the motion of Mr. Barton to reject did not prevail.

Said bill reported by said committee, No. 350, to be entitled "an act to establish the county of Crowley," was read a first time.

On motion of Mr. Austell, the rules were suspended, and the bill read a second time.

Mr. Terry moved to amend said bill by striking out in the title of said bill, the word "Crowley," and insert in lieu thereof, the word "Logan."

Which amendment was adopted, and the bill, as amended, read a third time.

Mr. Rector moved to amend by way of rider, as follows, to wit:

"*Be it further enacted*, That before this act shall take effect, a constitutional population shall be returned to the office of the Secretary of State, by the constables of the respective townships proposed to be included in the county created by this act, which showing as to population, shall be made within ninety days from the passage of this bill."

Mr. Williams moved to amend said amendment as follows: "and a similar shall be made by the sheriffs of the counties from which said county is taken, and should either of said counties from which said county is taken, or the county so formed, lack the population that entitles them to a representative under the late apportionment, then this act shall be void."

Which amendments were read a first and second time.

On motion of Mr. Gordon, the rules were suspended, said amendments read a third time and adopted.

The question now being on the final passage of said bill, Mr. Ederington called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted for the passage of the bill, are

Messrs. Austell, Burgess, Calvert, Desha, Edmondson, Gordon, Haggin, Hockersmith, Holmes, Hunter, Jacoway, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Montgomery, Norsworthy, Nunn, Poe, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow and Witt—28.

Those members who voted in the negative, are

Messrs. Barton, Baxter, Beall, Beck, Brown, Bruton, Bunch, Butts, Byrne, Cannon, Douglas, Ederington, Flippin, Gould, Gregg, Guice, Johnson, Leslie, Macon, Matthews, Miller, Moulden, Patterson, Pettigrew, Powel, Primm, Smithson, Stillwell, Terry, Thorn, Watson, Whinery, Williams, Wilson, Wood and Mr. Speaker—36.

So the bill did not pass.

On motion of Mr. Jones of Lawrence, the House adjourned until to-morrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

THURSDAY, *Jan.* 11*th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Mr. Jones of Desha, presented the petition of sundry citizens of Desha county, asking the passage of an act attaching a portion of said county to the county of Drew.

Which, on motion of Mr. Guice, was referred to a select committee, consisting of Messrs. Guice, Jones of Desha and Allen.

Reports from standing committees were in order.

Mr. Johnson made the following report:

Mr. Speaker:

The standing committee on claims, to whom was referred the petition of Francis Miller, asking that the amount of $197, be paid him out of the State Treasury, for his services in the Marion county war, have considered the same and instruct me to report that no further allowance be made to him.

JOHNSON, *Chairman.*

On motion of Mr. Wood, said report was adopted.

Mr. Johnson, from the same committee, also reported back House bill No. 323, and recommended the passage of the same.

On motion of Mr. Powel, said bill, No. 323, entitled an act for the benefit of A. J. Bowen, late sheriff of Newton county, was read a third time and passed.

Mr. Wood made the following report:

Mr. Speaker:

The committee on militia, to whom was referred so much of the Governor's message, as relates to public arms, have considered the same and directed me to report and recommend that all the public arms at Tulip, in Dallas county, be removed to the city of Little Rock for safe-keeping, and that all the arms due the State of Arkansas, from the federal government, be permitted to remain until we shall have further use for them.

Also, a bill entitled an act to authorize the Governor to receive the arms and accoutrements now in possession of the board of guardians, of the Arkansas Military Institute, and report the accompanying bill as a substitute, and recommend its passage.

WOOD, *Chairman.*

Said last mentioned bill in said report, was read a first time.

On motion of Mr. Holmes, the rules were suspended, the bill read a second and third time and passed.

Mr. Haggin made the following report:

Mr. Speaker:

The select committee, to whom was referred the petition of 171 citizens of Carroll county, praying the legislature to repeal an act approved November 21st, 1850, declaring King's river, in Madison county, a navigable steam, have had the same under consideration, and instruct me to report and recommend that the prayer or the petitioners be granted.

The committee herewith report a bill entitled an act to repeal an act, declaring King's river, in Carroll county, a navigable stream, and recommend its passage.

HAGGIN, *Chairman.*

Said bill, entitled an act to repeal an act declaring King's river, in Carroll county a navigable stream, was read a first time.

Mr. Johnson made the following minority report:

Mr. Speaker:

The select committee, to whom was referred the petition of certain citizens of Carroll county, praying the repeal of a law declaring King's river a navigable stream, have considered the same and a minority of said committee submit the following:

That said stream was declared, some four years ago, by legal enactment, a navigable stream, and they have been advised and believe that several citizens of said county, relying upon the right guarantied by said act to the free and unobstructed navigation of said stream, have erected several saw mills at a very considerable outlay of money on said stream. The right of shipping down lumber, and thereby getting it to a market was a main inducement to the erection of said mills, and it is submitted whether the repeal of said act, guaranteeing the unobstructed navigation of said stream, would be acting in good faith to those who have expended large sums of money, believing that their legal rights would not be impaired or violated, at least by legislative action. It may be well questioned whether the enactment of such a law would be of any validity against those who have erected those mills in full faith of the rights vested in them among other good citizens of this State, to the free and unobstructed navigation of said stream.

In consideration of the premises, the undersigned, a minority of said committee, feel constrained to recommend that said petition be rejected.

P. M. JOHNSON.

Mr. Butts moved to refer the whole of the above matters to the committee on the judiciary.

Which motion was lost.

Mr. Williams moved to suspend the rules, in order to have the bill reported by the above majority committee, read a second time.

Mr. Wood objected to the suspension.

The question being submitted, the rules were suspended, the bill read a second and third time and passed.

Mr. Puryear made the following report:

Mr. Speaker:

The committee on printing, to whom was referred Senate bill No. 30, entitled an act to authorize grocery keepers and retailers of ardent spirits, to collect their debts as other traders, have considered the same, and ask to be discharged from the further consideration thereof.

PURYEAR, *Chairman.*

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform your honorable body that the Senate have assented to House bill No. 208, entitled an act for the relief of Wade Griffin.

Also, to House bill No. 265, entitled an act to aid in bringing to light the true condition of the Real Estate Bank.

Also, to House bill No. 86, entitled an act to authrize justices of the peace to issue executions upon judgments obtained before justices of the peace, other than themselves, with an amendment thereto, to which the concurrence of your honorable body is respectfully asked.

All of which are herewith returned.

The Senate have receded from their amendment to House bill No. 170, entitled an act to increase the pay of judges and associate justices, in Monroe and other counties.

The Senate have concurred in House resolution, instructing our delegation in Congress to procure the appointment of a mail agent in Arkansas, who is a citizen of the State.

The Senate have refused to concur in the resolution of the House, instructing our delegation in Congress, to have the laws of the United States so modified with regard to 16th sections donated for school purposes, so as to allow the 16th sections of Lafayette county to be sold, and the proceeds thereof to be divided among the different townships of said county.

All of which are herewith returned.

W. L. D. WILLIAMS,
Sec'y of the Senate.

The following message was received from the Governor:

Mr. Speaker:

I am instructed to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the ninth day of January, 1855, he approved and signed a preamble and resolution to secure the navy yard at Memphis.

A resolution, instructing our delegation in Congress to procure a grant of lands to the State of Arkansas, to aid in building a railroad from the Missouri line, through the counties of Green, Poinsett, St. Francis and Phillips, to Helena, on the Mississippi river.

A resolution, instructing our delegation in Congress to procure a weekly one horse mail from Rockport, via A. H. Henson's, to Montroy in Dallas county.

A resolution, instructing our delegation in Congress to procure the establishment of a mail route from Osceola in Mississippi county, via A. F. Snody's, via B. T. Freeman's, via John Pearce's, via Charles Garman's, and thence to Jacksonport, and that on the 10th day of January, 1855, he approved and signed an act to amend and revise the law in relation to the 16th ssection in township 13 north of range 6 west.

An act to authorize Joseph A. Lovett and Jared A. Barnes to build a toll bridge and keep a ferry across Languille river in St. Francis county, Arkansas.

An act for the relief of Prairie county.

An act to incorporate the trustees of the Princeton Female Academy, and an act to extend the act putting the State Bank into liquidation, and other acts amendatory thereto; and that on the 11th day of January, 1855, he approved and signed a preamble and resolution, endorsing and approving the objects of the commercial convention now in session in New Orleans.

R. H. JOHNSON,
Private Sec'y.

Mr. Wood made the following report:

Mr. Speaker:

The undersigned, a minority of the committee on memorials, to whom was referred the joint resolutions touching the organization of a secret political order or society, beg leave to report that the principles involved in said resolutions, not only meet the cordial approval of the undersigned, but in their judgment deserve endorsement at the hands of the General Assembly, and people of the State of Arkansas, inasmuch as in a land blessed with free institutions like ours, the right of free suffrage is guarantied to every citizen. We are unable to discover any, even the slightest, justification for clandestine and midnight associations, to determine the mode of exercising that right. Freemen should vote freely, and it is unmanly and anti-republican to cloak their votes underneath the mantle of a secret society referred to.

The resolutions themselves, are sufficiently explicit. It but remains for us to express the belief that the passage of the resolutions is legitimate and explicit, and is therefore earnestly recommended by the undersigned as a measure of warning to the people, against an organization hostile to their rights and to the Union.

WOOD,
BRUTON.

Mr. Norsworthy submitted the following report:

Mr. Speaker:

The majority of the standing committee on memorials to whom was referred a joint resolution in regard to secret political associations, have had the same under consideration, and have instructed me to report, that in consideration of the important measures now pending before this General Assembly, we are of opinion that said resolutions do not present anything tangible, for the action of this body, and believing that as legislators and statesmen, it is our duty to transact business of at least some importance to the country, we are therefore of opinion that said resolutions do not embrace a subject of sufficient magnitude (if any at all) to engross the time or attention of this General Assembly.

Therefore the majority of said committee recommend the rejection of said resolutions, and ask to be discharged from a further consideration of the same.

NORSWORTHY.

Mr. Beall moved to lay said reports, together with the resolutions, on the table till the 4th July.

Mr. Macon called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Barton, Beall, Burgess, Byrne, Cannon, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Hockersmith, Johnson, Jones of Conway, Morton, Neale, Norsworthy, Primm and Terry—19.

Those members who voted in the negative, are

Messrs. Austell, Baxter, Beck, Brown, Bruton, Bunch, Butts, Calvert, Desha, Douglas, Edmondson, Haggin, Hill, Holmes, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Moulden, Newton, Nunn, Patterson, Pettigrew, Poe, Powel, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Thorn, Tuley, Watson, Whinery, Williams, Wilson, Witt and Wood—49.

So the motion to lay on the table failed.

Mr. Speaker was excused from voting on the above motion.

Mr. Macon moved the adoption of said resolutions referred to in said above reports, and called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Beck, Brown, Bruton, Bunch, Burgess, Butts, Calvert, Douglas, Edmondson, Hill, Holmes, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Macon, Matthews, Miller, Montgomery, Newton, Nunn, Pettigrew, Puryear, Ramsey, Redmond, Rector, Rice, Smithson, Tuley, Watson, Whinery, Williams, Wilson, Wood and Mr. Speaker—39.

Those voting in the negative, are

Messrs. Barton, Baxter, Beall, Byrne, Cannon, Desha, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Haggin; Hockersmith, Johnson, Jones of Conway, Jernigin, Logan, Morton, Moulden, Neale, Norsworthy, Patterson, Poe, Powel, Primm, Stillwell, Stringfellow, Terry, Thorn and Witt—31.

So said resolutions were adopted.

Mr. Speaker laid before the House the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be, and they are hereby instructed and our Representatives most respectfully requested to use their utmost efforts to obtain from the Postmaster General, a change in the present manner of carrying the mail on route 7501, from Little Rock to Napoleon, from a stage line to steam-boats, three times a week, from Napoleon to Pine Bluff, when it is practicable to run boats, and in four horse stages from Pine Bluff to Little Rock, three times, with the privilege to contractors of carrying the mail by land all the way through in stages, when the Arkansas river is not navigable for steamboats.

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended, the resolution read a second and third time and adopted.

Mr. Logan moved to suspend the rules to take up House bill No. 153, concerning State geologist.

Which motion was lost.

Mr. Holmes moved to take recess till 2½ o'clock, P. M., which was also lost.

On motion of Mr. Bruton, House bill, entitled an act fixing the line of the Little Rock and Fort Smith branch of the Cairo and Fulton railroad, and granting the land donated by Congress to the State in aid thereof, was taken up.

Mr. Gregg moved to amend said bill by inserting the following:

Be it further enacted, That said lands are granted to the Fort Smith and Little Rock branch of the Cairo and Fulton railroad company, upon the express condition that said company shall within four years from the passage of this act, complete ten or grade twenty-five miles of said road, at their option, and in case said company shall fail to comply with said condition, then said company shall forfeit their charter, and all their corporate rights hereby conveyed, and shall surrender all their corporate rights and franchises; *Provided*, The legislature shall, by joint resolution, require them so to do.

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended, and the amendment read a second time and adopted.

Mr. Jacoway moved to amend said bill by inserting the following as an additional section:

Be it further enacted, That the said company of the Little Rock and Fort Smith branch of the Cairo and Fulton railroad, shall, within ninety days from and after the passage of this act, pay over to the treasurer of the Arkansas Pacific branch of the Cairo and Fulton railroad company, the sum of six thousand dollars, being the cost of the survey made by Captain R. L. Hunter, chief engineer of said branch road, with interest thereon, from the 1st day of August, 1854, to the time the money is paid over to said treasurer, and in default of payment of said amount, by the Little Rock and Fort Smith branch of the Cairo and Fulton railroad company, to the treasurer of the Arkansas Pacific branch of said Cairo and Fulton railroad company, then this act shall be null and void, and of no effect whatever.

Which was read a first time.

Mr. Smithson was called to the chair.

On motion of Mr. Jones of Lawrence, the House took a recess till 2½ o'clock.

EVENING SESSION, 2½ o'clock.

The House convened.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have carefully examined an act for the relief of William Gillam.

An act to revive the ballot system of voting in elections, and for other purposes.

An act to change the name of George W. Welsh, to that of George W. Ring.

An act to provide for the building of a work shop within the walls of the penitentiary and for other purposes, and have instructed me to report the same as correctly enrolled.

HOLMES, *Chairman.*

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 285, entitled an act to amend the road law, have had the same under consideration, the committee have also considered House bill No. 289, entitled an act to amend the road law of this state. Upon examination of the two bills which contemplates the same subject matter, the committee are of opinion that the House bill, No. 289, should be rejected; they therefore have instructed me to report bill, 285, back to the House without amendment and to recommend its passage, and to recommend the rejection of bill 289.

DESHA, *Chairman.*

Mr. Hill introduced House bill No. 360, to be entitled an act to protect the interest of the State.

Which was read a first time.

On motion of Mr. Redmond, the rules were suspended and the bill read a second time.

Mr. Stillwell moved to refer said bill to the judiciary committee, which was lost.

On motion of Mr. Redmond, the rules were further suspended, and the bill read a third time.

The question now being on the final passage of said bill, Mr. Edmondson called for the yeas and nays, which call being susained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Beall, Beck, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Edmondson, Flippin, Gordon, Guice, Hill, Holmes, Hunter, Jacoway, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Montgomery, Morton, Newton, Norsworthy, Patterson, Pettigrew, Primm, Puryear, Ramsey, Redmond, Rice, Smithson, Stringfellow, Watson, Whinery, Williams, Wilson, Witt, Wood and Mr. Speaker—47.

Those members who voted in the negative, are

Messrs. Barton, Baxter, Cannon, Desha, Douglas, Ederington, Gould, Gregg, Hockersmith, Johnson, Miler, Moulden, Nunn, Poe, Powel, Stillwell and Thorn—17.

So the bill was passed.

On motion of Mr. Bruton, the orders of the day were taken up.

Mr. Gordon moved to lay the amendment offered by Mr. Jacoway, in the forenoon, on the table till the 4th of July.

Mr. Jacoway called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Beck, Brown, Bruton, Bunch, Butts, Douglas, Flippin, Gordon, Gregg, Hockersmith, Hunter, Johnson, Jones of Conway, Leslie, Macon, Matthews, Morton, Moulden, Newton, Norsworthy, Pettigrew, Poe, Primm, Ramsey, Redmond, Smithson, Stillwell, Watson, Whinery, Wilson, Witt and Wood—32.

Those members who voted in the negative, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Burgess, Byrne, Calvert, Cannon, Desha, Edmondson, Ederington, Guice, Hill, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Miller, Montgomery, Neale, Nunn, Powel, Puryear, Rector, Stringfellow, Thorn, Tuley, Williams and Mr. Speaker—32.

So the motion to lay on the table did not prevail.

Mr. Baxter moved to amend the amendment last aforesaid, by striking out the words "six thousand dollars," and insert in lieu thereof "any amount of money that Capt. Hunter may certify was actually expended in making the survey," also strike out the words "ninety days," and insert in lieu thereof, the words "six months."

Mr. Wood moved to lay the amendment to the amendment on the table till the 4th of July.

Which motion prevailed.

Mr. Baxter moved a reconsideration of the last vote, which was carried.

Mr. Wood moved to lay said amendment on the table, and called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Barton, Beck, Brown, Bruton, Bunch, Butts, Cannon, Douglas, Flippin, Gordon, Gould, Gregg, Hunter, Johnson, Jones of Conway, Leslie, Macon, Matthews, Morton, Moulden, Norsworthy, Patterson, Pettigrew, Poe, Ramsey, Redmond, Smithson, Stillwell, Watson, Whinery, Wilson, Witt and Wood—34.

Those voting in the negative, are

Messrs. Austell, Baxter, Beall, Burgess, Byrne, Calvert, Desha, Ederington, Edmondson, Guice, Hockersmith, Hill, Holmes, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Miller, Montgomery, Neale, Newton, Nunn, Powel, Puryear, Rector, Stringfellow, Thorn, Tuley, Williams and Mr. Speaker—32.

So the amendment to the amendment was laid on the table.

Mr. Wood moved to reject the original amendment, offered by Mr. Jacoway, and called for the ayes and nays.

The call being sustained, the roll was ordered to be called; but before any further action was taken thereon, on motion of Mr. Jacoway, the House adjourned.

SAMUEL MITCHEL,
Speaker Ho. of Reps.

FRIDAY, *Jan.* 12*th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Mr. Neale presented the petition of sundry citizens of Chicot county, remonstrating against the removal of the county seat of said county.

Which, with the petition to have the same removed, was, on motion of Mr. Neale, referred to the committee on memorials.

Mr. Haggin made the following report:

Mr. Speaker:

The select committee, to whom was referred House bill No. 321, entitled "an act to incorporate the town of Carrolton, in Carroll county," have considered the same, and report the accompanying bill as a substitute, and recommend its passage.

HAGGIN, *Chairman.*

Said substitute bill, entitled as above, was read a first time.

On motion of Mr. Haggin, the rules were suspended, the bill read a second and third time and passed.

Mr. Watson made the following report:

Mr. Speaker:

The select committee, to whom was referred the petition of sundry citizens, praying to be attached to Johnson county, have considered the same and recommend its rejection.

WATSON, *Chrairman.*

On motion of Mr. Johnson, said report was adopted.

Mr. Matthews offered the following resolution:

Resolved, That the resolution of this House, setting apart Fridays of each week for the transaction of private business, be and the same is hereby rescinded.

Mr. Neale moved to lay said resolution on the table.

Which motion was lost.

The question now being on the adoption of said resolution, it was decided in the negative.

Mr. Wood offered the following resolution:

Resolved, That the clerk of this House be required to attach to the journal of the House of Representatives, for the present session, a suitable appendix.

Which was adopted.

Mr. Jones of Lawrence, offered the following preamble and resolution:

WHEREAS, The present session of the Legislature of this State has been and is regarded, by the whole country, as one of the most important that has ever convened in this State, and that our future prosperity depends very much upon the action of this body, before its adjournment, inasmuch as nothing definitely has been agreed upon in regard to the great railroad interest, about which the public are so deeply concerned; *And whereas*, as members of this body, we have pledged our faith and energies in behalf of our whole country, and cannot, under any circumstances, if this House adjourns on Tuesday next instant; on the contrary, we would be treating the public confidence bestowed upon us with something bordering on contempt, by adjourning on that day, and without disposing of the magnificent grant of lands made for our railroads, besides a great deal of other business, of equal, if not greater importance to the State; therefore,

Be it resolved, That the resolution, fixing the adjournment of the General Assembly on the 16th day of this instant, be and the same is hereby rescined, and the Senate be requested to concur herein.

Mr. Redmond moved to lay the above resolution on the table.

Mr. Puryear called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Bunch, Butts, Cannon, Douglas, Gordon, Gould, Haggin, Matthews, Neale, Newton, Pettigrew, Powel, Primm, Puryear, Ramsey, Redmond, Thorn, Watson and Whinery—19.

Those members who voted in the negative, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Beck, Brown, Bruton, Burgess, Byrne, Calvert, Desha, Edmondson, Ederington, Flippin, Gregg, Guice, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Miller, Montgomery, Morton, Moulden, Norsworthy, Nunn, Patterson, Poe, Rector, Rice, Stillwell, Stringfellow, Terry, Tuley, Williams, Wilson, Witt, Wood and Mr. Speaker—50.

So the motion to lay on the table did not prevail.

Mr. Bruton moved to amend said resolution by inserting 20th instant.

Which, on motion of Mr. Gregg, was laid on the table.

The queston being on the adoption of the above resolution, Mr. Puryear called for the ayes and nays, which call being sustained, the roll was called.

Those voting to adopt said resolution, are

Messrs. Allen, Barton, Baxter, Beall, Beck, Brown, Burgess, Byrne, Calvert, Desha, Edmondson, Ederington, Flippin, Gregg, Guice, Hill, Hockersmith, Holmes, Hunter, Jacoway, Johnson, Jones of Hot Spring, Jones of Lawrence, Leslie, Logan, Miller, Montgomery, Morton, Moulden, Norsworthy, Nunn, Patterson, Poe, Rector, Rice, Stillwell, Smithson, Stringfellow, Terry, Tuley, Williams, Wilson, Witt, Wood and Mr. Speaker—45.

Those voting in the negative, are

Messrs. Austell, Bruton, Bunch, Butts, Cannon, Douglas, Gordon, Gould, Macon, Matthews, Neale, Newton, Pettigrew, Powel, Primm, Puryear, Ramsey, Redmond, Thorn, Watson and Whinery—21.

So the resolution was adopted.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body, that the Senate have passed the following bills: Senate bill No. 119, to be entitled "an act in relation to the Mississippi, Ouachita and Red river Railroad Company."

Senate bill No. 117, to be entitled "an act for the relief of Elias Dawdy."

Both of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The Senate have passed a memorial to the Congress of the United States, asking a donation of land to aid in the construction of a border railroad, which is herewith submitted or the consideration of the House of Representatives.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Macon gave notice that he would, at some convenient time, move a re-consideration of the vote rejecting the bill proposing to establish the county of Logan.

Mr. Baxter offered the following resolution:

Resolved, That no member of this House shall be allowed to speak more than five minutes on any one question, nor more than once on the same question, without special leave of a two-third's majority of the House.

Which was read and lost.

Mr. Guice made the following report:

Mr. Speaker:

The select committee, to whom was referred the petition of numerous citizens of the county of Desha, praying to be cut off and added to the county of Drew, have had the same under consideration, and have instructed me to report that the county of Desha has an excess of but eight square miles; that the county of Chicot but nineteen square miles; that the county of Arkansas has an excess of 315, but that the honorable representative from Arkansas says that he promised his constituents to hold fast to every foot of territory in his county, and will not part with any part thereof. That notwithstanding the committee feel and know the equity of the prayer of said petitioners, that they can see no way of relief under the circumstances, but by a change in the constitution, so far as the county of Desha is concerned.

GUICE, *Chairman.*

Which report was, on motion of Mr. Gordon, adopted.

Mr. Stillwell made the following report:

Mr. Speaker:

The select committee, to whom was referred House bill No. 341, entitled "an act to incorporate the Little Rock Lumber and Manufacturing Company," have considered the same, and instructed me to report the same back to the House, and recommend its passage.

STILLWELL, *Chairman.*

On motion of Mr. Stillwell, the rules were suspended, the bill reported by the above committee read a third time and passed.

Mr. Patterson made the following report:

Mr. Speaker:

The special committee, to whom was referred House bill No. 334, have had the same under consineration, and beg leave to report the accompanying bill as a substitute, and recommend its passage.

PATTERSON, *Chairman.*

Said substitute bill, to be entitled "an act to authorize certain counties to levy a road tax, and for other purposes," was read a first time.

On motion of Mr. Patterson, the rules were suspended, the bill read a second and third time and passed.

Mr. Jones of Hot Spring offered the following resolution:

Resolved, That no member of this House be allowed to speak more than twenty minutes at a time upon any subject, save that of the railroad subject, until the railroad subject be disposed of.

Which was read and adopted.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill, to be entitled "an act to aid in the construction of the Cairo and Fulton Railroad," with sundry amendments thereto, in which your honorable body is respectfully asked to concur; which is herewith returned.

The Senate have passed Senate bill No. 112, entitled "an act to establish a separate court of chancery at the seat of government, so that the causes of the State, including that against the trustees and officers of the Real Estate Bank, and those of individuals, may be determined as early as practicable;" which is herewith transmitted for the assent of the House of Representatives, which is respectfully asked.

W. L. D. WILLIAMS,
Sec'y Senate.

On motion of Mr. Wood, House bill, entitled "an act to aid in the construction of the Cairo and Fulton Railroad," was taken up, and sundry amendments thereto read a first me.

On further motion of Mr. Wood, the rules were suspended and the amendments read a second time.

On motion of Mr. Rector, the above bill, together with Senate amendments thereto, was referred to a select committee of Messrs. Rector, Desha and Patterson.

Mr. Patterson offered the following:

WHEREAS, The long established political maxims, that republican soundness, and personal merit and qualifications, should alone recommend an aspirant to public favor, about whom the only question should be, is he honest, is he competent? and that the most unrestricted religious liberty is the very basis and essence of true republicanism and the most sacred features of our federal constitution; and that secret societies or conclaves, concealing their principles for the purpose of deceiving the public mind, to accomplish political results, and to elevate men to favor who are obnoxious to the masses; and that southern men, who are true to southern institutions, should be always vigilant and spurn all association with northern fanatics, who wage an unholy crusade against our peculiar institutions, without regard to our constitutional rights, are doctrines too well understood and too dear to all true southern men, to require any support from idle preambles and unmeaning resolutions on our journals; *And whereas,* A series of resolutions were passed by this House on yesterday, which united, in an indiscriminate and inseparable tissue, a reiteration of those doctrines dear and familiar as household words to American citizens, with declarations condemning an order or party styled "Know-Nothings," gratuitously assumes that this society holds clandestine meetings to accomplish political results, and entertains opinions antagonistic to those unchanged and unchangeable republican doctrines; and assuming, without proof, that this organization was but another name for freesoilism or fanaticism, and denouncing all southern mem who are members of this imaginary secret conclave, or who should perchance honestly entertain principles identical with them, as traitors to southern rights and institutions, or incredibly ignorant of the political movements of men and of parties; *And whereas*, By this strange and peculiar medley of dear national aphorisms, with wholesale assumptions, which may or may not exist, except in the heated brain of the author of these resolutions, members of this House who voted for these resolutions, and those who opposed them, were each compelled to support and at the same time to oppose doctrines which are dear and sacred, and obnoxious. Therefore,

Resolved, That the resolutions on "Know-Nothings," passed yesterday, be expunged from the journals, and the clerk of the House be required to draw black lines across that part of the record.

Mr. Watson moved a reference of the above resolution to the committee on internal improvements.

Which motion was lost.

Mr. Wood moved to lay said preamble and resolution on the table till the 4th of July.

Mr. Macon called for the ayes and nays, which call being sustained, the roll was called.

Those voting to lay on the table, are

Messrs. Austell, Beck, Brown, Bruton, Bunch, Butts, Calvert, Douglas, Gordon, Hunter, Jacoway, Jones of Desha, Leslie, Macon, Miller, Newton, Nunn, Pettigrew, Puryear, Ramsey, Rector, Redmond, Rice, Tuley, Watson, Whinery, Wood and Mr. Speaker—27.

Those voting in the negative, are

Messrs. Allen, Barton, Baxter, Beall, Burgess, Byrne, Cannon, Desha, Edmondson, Ederington, Flippin, Gould, Gregg, Guice, Hill, Hockersmith, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Matthews, Morton, Moulden, Neale, Norsworthy, Patterson, Poe, Powel, Primm, Stillwell, Stringfellow, Terry, Thorn, Williams, Wilson and Witt—38.

So the motion to lay on the table did not prevail.

Mr. Baxter moved to amend said resolution by striking out the words "black lines."

Mr. Wood moved to lay the amendment on the table till the 4th of July.

Which motion was lost.

Mr. Rice offered to amend the amendment of Mr. Baxter by "permitting those members who have been placed in a false position, by their votes on yesterday, to enter a protest upon the journals."

Which, on motion of Mr. Gould, was laid on the table.

Mr. Gregg then moved to amend the amendment of Mr. Baxter, by striking out the words "black lines" and insert "all that part of said resolution that relates to black lines on the journal."

Mr. Wood moved to lay said last amendment on the table till the 4th of July.

Which motion did not prevail.

On motion of Mr. Baxter, the amendment to the amendment was adopted, and Mr. Baxter's amendment, as amended, also adopted.

Mr. Patterson moved the previous question, which being sustained, the question was on the adoption of the original resolution, as amended.

Mr. Macon called for the ayes and nays, which call being sustained, the roll was called.

Those voting for the adoption of said resolution, are

Messrs. Allen, Barton, Baxter, Beall, Burgess, Byrne, Cannon, Desha, Edmondson, Ederington, Flippin, Gould, Gregg, Guice, Hill, Hockersmith, Johnson, Jones of Conway, Jernigin, Logan, Matthews, Morton, Moulden, Neale, Norsworthy, Patterson, Poe, Powel, Primm, Ramsey, Stillwell, Stringfellow, Terry, Thorn, Williams, Wilson and Witt—37.

Those voting in the negative, are

Messrs. Austell, Beck, Brown, Bruton, Bunch, Butts, Calvert, Douglas, Gordon, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Macon, Miller, Newton, Nunn, Pettigrew, Puryear, Rector, Redmond, Rice, Tuley, Watson, Whinery, Wood and Mr. Speaker—29.

So the resolution was adopted.

Mr. Logan introduced House bill No. 364, to be entitled "an act to provide for building a bridge in Scott county."

Which was read a first time.

On motion of Mr. Jernigin, the rules were suspended, the bill read a second and third time and passed.

Mr. Flippin introduced House bill No. 365, entitled "an act to attach a portion of Lawrence county to the county of Fulton, and to attach a portion of Fulton to the county of Marion."

Which was read a first time.

On motion of Mr. Flippin, the rules were suspended, the bill read a second and third time and passed.

Mr. Terry introduced House bill No. 366, to be entitled "an act to improve the navigation of Little Red river."

Which was read a first time.

On motion of Mr. Terry, the rules were suspended, the bill read a second and third time and passed.

Mr. Nunn introduced House bill No. 367, to be entitled "an act to incorporate the Smithville, Powhatan and Crowley's Ridge turnpike or plankroad company."

Which was read a first time.

On motion of Mr. Barton, the rules were suspended, and the bill read a second time.

Mr. Nunn offered the following amendment:

"Sec. 19. *Be it further enacted*, That the powers and privileges of this charter be granted to William A. Neely and A. T. Puryear, for a road from Jacksonport, to intersect the military road, three miles west of Marion, in Crittenden county, in Arkansas, and also like powers and privileges to a similar company for a road from Pocahontas, in Randolph county, to Gainesville, in Green county."

Which was adopted, and the bill,

On motion of Mr. Barton, referred to a select committee, consisting of Messrs. Nunn, Puryear and Norsworthy.

Mr. Brown introduced House bill No. 368, to be entitled "an act imposing additional duties on the presiding judge of the circuit court of Crawford county."

Which was read a first time.

On motion of Mr. Morton, the rules was suspended, and the bill read a second time.

On motion of Mr. Edmondson, the bill was amended by inserting the county of Sebastian.

On motion of Mr. Morton, the rules were suspended, the bill, as amended, read a third time and passed.

Mr. Hill introduced House bill No. 369, to be entitled "an act concerning the bank of the State of Arkansas."

Which was read a first time.

On motion of Mr. Hill, the rules were suspended, the bill read a second and third time and passed.

Mr. Stillwell introduced House bill No. 370, entitled "an act concerning Jennings' Falls Manufacturing company."

Which was read a first time.

On motion of Mr. Stillwell, the rules were suspended, the bill read a second and third time and passed.

Mr. Speaker laid before the House, bill No. 371, entitled "an act for the relief of a portion of the citizens of Arkansas county."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Bruton, the House took a recess till 2½ o'clock.

EVENING SESSION, 2½ o'clock.

The House convened.

Mr. Redmond was called to the chair.

Mr. Nunn offered the following report:

Mr. Speaker:

The select committee, to whom was referred the bill, entitled "an act to incorporate the Smithville, Powhatan and Crowley's Ridge turnpike or plankroad company," have had the same under consideration, and they have instructed me to report back the accompanying amendment, in lieu of section 17 of said bill, and recommend its passage.

NUNN, *Chairman.*

Said accompanying amendment was read a first and second time and adopted.

On motion of Mr. Barton, the rules were suspended, and the bill, as amended, read a third time and passed.

On motion of Mr. Macon, House bill No. 211, to be entitled "an act to regulate the sale of spirituous and vinous liquors, in the counties of Phillips, Ouachita and Saline, and in the township of Taylor, in Columbia county," was taken up, and the amendments offered to said bill by the Senate, were read a first time.

On motion of Mr. Macon, the rules were suspended, and the amendments read a second and third time and concurred in.

Mr. Williams moved to suspend the rules, in order to take up House bill No. 131, to be entitled "an act to provide for the refunding of the swamp land scrip located on unconfirmed swamp lands, and to confirm certain irregular entries, and other purposes."

Which motion was lost.

On motion of Mr. Flippin, Senate bill No. 110, to be entitled "an act to legalize the sale of lots No. 6 and 7, in Yellville, to James H. Berry and James M. Cowdry," was taken up and read a first time.

On motion of Mr. Flippin, the rules were suspended, and the bill read a second and third time and passed.

On motion of Mr. Jones of Lawrence, Senate bill No. 97, to be entitled "an act for the relief of Carney C. Straughan, sheriff of Lawrence county," was taken up and read a first time.

On motion of Mr. Jones of Lawrence, the rules were suspended, the bill read a second and third time and passed.

Mr. Gordon called up Senate bill No. 26, to be entitled "an act supplemental and amendatory of an act to incorporate the Arkansas Mining, Manufacturing and Chemical Company," approved January 12th, 1853.

Which was read a first time.

On motion of Mr. Desha, House bill No. 86, entitled act to authorize justices of the peace to issue executions upon judgments obtained before justices of the peace other than themselves," was taken up, and Senate amendment thereto concurred in.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 345, entitled "an act concerning free negroes," have considered the same and recommended its rejection.

Also, House resolution which refers to them so much of the report of the joint committee on auditor's and treasurer's books, as recommends that suit be instituted against the swamp land commissioners for the sum of $1,500, the amount of a fee paid by them to Albert Pike, for an opinion; and the committee are of opinion that inasmuch as the joint committee fully investigated the subject, and in their report recommended that suit be brought, the committee are of opinion that they had all the information that could be had on the subject. They therefore deem it inexpedient to take any action upon the said resolution, and instruct me so to report.

Also, House bill No. 340, entitled "an act to amend chapter 159, of the Digest," and recommend its passage.

Also, House bill No. 332, entitled "an act to prevent fraudulent issues of stock," and with sundry amendments, recommend its passage.

Also, House bill No. 329, entitled "an act to establish a separate court of chancery, at the seat of government," etc., etc., which was referred to them, have considered the same. The committee, on a previous day of the session, reported back to the House and recommended the passage of a bill which had been referred to them, establishing general and separate chancery courts in this State, which the committee are of opinion answers every purpose contemplated in the House bill No. 329. The committee, however, are of opinion that there is much merit in the House bill No. 329, and the majority of the committee have instructed me to report the same back and recommend the passage of the same, in the event of the failure of the House to pass the bill proposing a general chancery system.

DESHA, *Chairman.*

On motion of Mr. Powel, House bill No. 95, entitled "an act to grant a charter to Wm. F. S. Barkman, for certain purposes," was taken up, read a third time and passed.

On motion of Mr. Hill, Senate bill No. 112, entitled "an act to establish a separate court of chancery at the seat of government, so that the causes of the State, including that against the trustees and officers of the Real Estate Bank, and those of individuals may be determined as early as practicable," was taken up and read a first time.

On motion of Mr. Hill, the rules were suspended, and the bill read a second time.

Mr. Stillwell moved to amend said bill, section 2, by striking out all that relates to the appointment of a chancellor by the Governor, or with the advice and consent of the Senate, and insert in lieu thereof, "shall be elected by the General Assembly."

Mr. Hill moved to lay said amendment on the table till the 4th of July.

Mr. Stillwell called for the ayes and nays on said motion, which call was sustained, and the roll called.

Those members who voted in the affirmative, are

Messrs. Brown, Bruton, Burgess, Butts, Cannon, Douglas, Edmondson, Gould, Haggin, Hill, Holmes, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Morton, Newton, Norsworthy, Pettigrew, Primm, Puryear, Ramsey, Redmond, Rice, Smithson, Tuley, Watson, Whinery, Williams, Wilson and Witt—35.

Those members who voted in the negative, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Beck, Bunch, Byrne, Calvert, Desha, Ederington, Flippin, Gordon, Gregg, Guice, Hockersmith, Hunter, Jacoway, Jones of Conway, Montgomery, Moulden, Neale, Nunn, Patterson, Poe, Powel, Rector, Stillwell, Stringfellow, Thorn, Wood and Mr. Speaker—32.

So said motion prevailed.

Mr. Bruton moved to amend said bill by inserting the following, to wit:

And be it further enacted, That nothing in this act shall be so construed as to prevent or supercede, or repeal former laws requiring and empowering circuit judges to hold chancery courts in the several counties of this State, save that of Pulaski county, which this act is intended to suppy.

Which amendment was read a first time, and

On motion of Mr. Bruton, the rules were suspended, and the amendment read a second time and adopted.

Mr. Baxter moved the postponement of a further consideration of said bill until to-morning 10 o'clock, which motion was lost.

On motion of Mr. Wood, the rules were suspended, and the bill read a third time.

The question now being on the final passage of the bill, Mr. Wood called for the previous question.

Whereupon, Mr. Stillwell called for the yeas and nays, which being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Beall, Beck, Brown, Bruton, Bunch, Butts, Byrne, Calvert, Douglas, Edmondson, Gordon, Gould, Gregg, Guice, Haggin, Hill, Holmes, Hunter, Jacoway, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Miller, Montgomery, Morton. Newton, Norsworthy, Nunn, Patterson, Pettigrew, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stringfellow, Terry, Thorn, Tuley, Watson, Whinery, Williams, Wilson, Witt and Wood—54.

Those members who voted in the negative, are

Messrs. Austell, Barton, Baxter, Burgess, Cannon, Desha, Ederington, Flippin, Hockersmith, Moulden, Neale, Poe, Powel, Stillwell and Mr. Speaker—15.

So the bill passed.

On motion of Mr. Patterson, the House adjourned until tomorrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

SATURDAY, *Jan.* 13*th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

Mr. Redmond had leave to make the following report:

Mr. Speaker:

A majority of the committee on ways and means, have instructed me to report the general appropriation bill for the years 1855 and 1856, and part of the year 1854, and recommend its passage, which is herewith submitted.

REDMOND, *Chairman.*

Said general appropriation bill was read a first time.

On motion of Mr. Redmond, the rules were suspended, and the bill read a second time.

Mr. Baxter moved that the House resolve itself into committee of the whole to consider said above bill.

Which motion was lost.

Mr. Poe presented the report of the internal improvement commissioner of Pope county.

Mr. Flippin presented also the report of the internal improvement commissioner of Marion county.

Both of said reports were referred to the committee on internal improvements.

Mr. Patterson presented the petition of David Hollingshead and J. M. Jackson, of Jackson county, praying the legislature to refund to them certain money paid by them for internal improvement land.

Which, on motion of Mr. Patterson, was referred to the committee on claims.

Mr. Rector presented the petition of sundry citizens of Fort Smith, asking a repeal of a charter of said city, passed at the present session of the legislature.

Which, on motion of Mr. Redmond, was referred to the committee on memorials.

Mr. Newton made the following report:

Mr. Speaker:

The committee on county and county lines, to whom was referred the petition of sundry citizens of Sebastian county, praying to be attached to Scott county, after considering the same, find that Scott county was one of the original counties, and that the county of Sebastian was formed of a portion of the county of Scott, during the session of 1850, thereby reducing the county of Scott below the constitutional area and population, and your committee are of opinion that the prayer of the petitioners should be granted, provided it can be done in accordance with the constitution.

NEWTON, *Chairman.*

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act for the relief of Wade Griffin."

"An act to increase the pay of judges and associate justices of the county courts of Monroe, Chicot, Jackson, Bradley, Dallas, Jefferson and Clark counties."

A resolution, instructing our delegation in Congress to enquire into the expediency of having a mail agent appointed for the State of Arkansas, who is a citizen of the State.

"An act to aid in bringing to light the true condition of the Real Estate Bank of the State of Arkansas," and report the same correctly enrolled.

HOLMES, *Chairman.*

The following message was received from the Governor:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 11th day of January, 1855, he approved and signed "an act to pay for work done on State House furniture," etc.

"An act to extend the charter of a toll-bridge for James Campbell, of Conway county."

"An act to compensate Samuel H. Hempstead for professional services."

"An act to legalize the sale of lots No. 9, 15 and 16, of the 16th section, in township 7 north, range 7 east of the 5th principal meridian, in the county of Critttenden."

"An act to repeal the 14th section of an act to provide for the reclaiming of the swamp and overflowed lands donated to this State by the United States," approved January 6th, 1851, and for other purposes.

"An act to transfer the settlement of the accounts and guardianship of Rufus Higginbotham and others, from the county of Dallas to the county of Calhoun."

And a resolution, instructing our delegation in Congress to procure the passage of a law for a weekly mail route from Huntsville, to Washbourne's Prairie, in Missouri.

And also, a resolution, to defray the funeral expenses, etc., of the Hon. Wm. H. Judkins and the Hon. Wm. S. Wade; and that on the 12th January, 1855, he approved and signed "an act to change the name of George W. Welch to George W. Ring."

"An act to amend an act to incorporate Arkansas College."

"An act for the relief of Wm. Gillam."

And also, "an act to provide for the building a work-shop within the walls of the penitentiary, and for other purposes."

R. H. JOHNSON,
Private Secretary.

Mr. Logan offered the following resolution:

Resolved, That each member of this House be allowed one copy of the Digest of the Statutes of this State, and also a copy of the acts of this legislature.

Mr. Miller moved to amend by saying, "also the journals of this session."

On motion of Mr. Gordon, the resolution and amendment were laid on the table.

Mr. Ramsey introduced a bill, entitled "an act to prevent injuries to public buildings and churches."

Which was read a first time.

On motion of Mr. Norsworthy, the rules were suspended, the bill read a second time, and

On motion of Mr. Bruton, referred to the committee on the judiciary.

Mr. Speaker introduced House bill, to be entitled "an act to amend the several acts now in force, in relation to the swamp and overflowed lands."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second time, referred to a committee of the whole House, and made the order of the day for Monday next.

Mr. Haggin introduced House bill, entitled "an act to provide for the printing the acts and journals of the present General Assembly."

Which was read a first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second time, and

On motion of Mr. Brown, referred to the committee on printing.

Mr. Rice introduced House bill No. 376, entitled "an act to regulate public advertisements in certain cases."

Which was read a first time.

On motion of Mr. Redmond, the rules were suspended, the bill read a second time, and

On motion of Mr. Williams, referred to the committee on the judiciary.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to the House of Representatives that the Senate have assented to the amendment of the House to Senate bill No. 7, entitled "an act to incorporate the town of Dardanelle, Yell county, Arkansas," to which the Senate had refused to assent; and have also assented to the second amendment of the House to the same bill.

The Senate have assented to House bill No. 104, entitled "an act to amend section 11 of an act amendatory of existing laws, regulating the landed interest of this State," approved January 12th, 1853.

Also, to House bill No. 110, entitled "an act to make an appropriation to pay State's attorneys, and the attorney for the State bank, for the years 1853 and 1854."

Also, to House bill No. 352, entitled "an act in relation to public arms."

All of which are herewith returned.

The Senate have passed Senate bill, entitled "an act to authorize the Governor to make, execute and acknowledge unto William A. Neely, of Independence county, a deed in fee simple, to certain swamp and overflowed lands, purchased by said Neely."

Also, Senate bill, entitled "an act for the relief of Alexander George and John Robins, of Little Rock."

Also, Senate bill, entitled "an act to increase the compensation of the clerks of the different circuit courts of this State in certain cases."

And also, Senate bill, entitled "an act to grant the right of way to railroads in this State, and provide for assessing damages, and for other purposes."

All of which are herewith presented for the consideration of your honorable body.

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Morton introduced House bill No. 377, entitled "an act to legalize the acts of William Black, townshipc ommissioner, and for other purposes."

Which was read a first time.

On motion of Mr. Morton, the rules were suspended, the bill read a second time, and

On motion of Mr. Stringfellow, referred to a select committee, consisting of Messrs. Stringfellow, Bruton, Rector, Brown and Moulden.

Mr. Rector made the following report:

Mr. Speaker:

The select committee, to whom was referred the Cairo and Fultou railroad bill, have had the same under consideration, and beg leave to report, that they have examined the amendments proposed by the Senate, and recommend a concurrence therein, with the following modifications: amend by inserting in the second line to Senate amendment to section 1st, between the words "settlers" and "on," the words "or occupants previous to the passage of this act." In Senate amendment to section 8, strike out the word "by," and insert "to," in the 6th line.

RECTOR, *Chiarman.*

Which amendments, proposed in said report, were read and adopted.

Mr. Hill introduced House bill No. 377, to be entitled "an act concerning receivers."

Which was read a first time.

On motion of Mr. Redmond, the rules were suspended, the bill read a second time, and

On motion of Mr. Barton, referred to the committee on the judiciary.

Mr. Holmes asked and obtained leave to take up House bill No. 285, to be entitled "an act to amend the road law."

Mr. Wood moved to amend said bill, by exempting the county of Madison from the provisions of the same.

Mr. Gould moved to lay said amendment on the table till the 4th of July.

Which motion was lost.

Mr. Norsworthy moved to amend the amendment, by inserting the county of Green.

Which, on motion of Mr. Williams, was laid on the table.

Mr. Wood moved the adoption of the amendment offered by himself, which was lost.

On motion of Mr. Holmes, the rules were suspended, and the bill read a third time.

The question now being on the final passage of said bill, Mr. Miller called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Brown, Burgess, Butts, Byrne, Calvert, Desha, Edmondson, Ederington, Flippin, Gordon, Gould, Guice, Haggin, Hill, Holmes, Hunter, Jacoway, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Macon, Matthews, Montgomery, Morton, Neale, Newton, Patterson, Pettigrew, Poe, Powel, Rector, Redmond, Rice, Stillwell, Stringfellow, Thorn, Tuley, Watson, Williams, Witt and Mr. Speaker—48.

Those members who voted in the negative, are

Messrs. Beck, Bruton, Bunch, Cannon, Douglas, Gregg, Hockersmith, Johnson, Jernigin, Logan, Miller, Moulden, Norsworthy, Ramsey, Smithson, Terry, Whinery, Wilson, and Wood—20.

So the bill passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to present for your honor's signature an act to prevent slaves from carrying fire arms in the counties of Monroe, Yell, White, Union, Polk, Ouachita, Lafayette, Sebastian, Hempstead, Ashley and Van Buren, and to prescribe a penalty for a breach thereof."

Also, an act to legalize the sale of certain lots in the town of Yellville, made by Lorenzo D. Wolf, administrator of the estate of Michael Wolf, deceased.

Also, an act for the relief of Carney C. Straughan, sheriff of Lawrence county.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Rice was called to the chair.

On motion of Mr. Bruton, the orders of the day were taken up.

The question being on the rejection of the amendment offered to the bill, to be entitled an act to aid in the construction of the Fort Smith branch of the Cairo and Fulton railroad, offered by Mr. Jacoway on Thursday last, the yeas and nays having been called, the roll was ordered to be called.

Those members who voted to reject said amendment, are

Messrs. Austell, Barton, Beck, Brown, Bruton, Bunch, Butts, Calvert, Cannon, Desha, Douglas, Flippin, Gordon, Gould, Gregg, Guice, Haggin, Hockersmith, Holmes, Hunter, Johnson, Jones of Conway, Jones of Hot Spring, Leslie, Matthews, Morton, Moulden, Neale, Newton, Norsworthy, Patterson, Pettigrew, Poe, Powel, Primm, Puryear, Ramsey, Redmond, Rice, Smithson, Stillwell, Thorn, Watson, Whinery, Wilson, Witt and Wood—47.

Those members who voted in the negative, are

Messrs. Allen, Baxter, Beall, Burgess, Byrne, Edmondson, Ederington, Hill, Jacoway, Jones of Desha, Jones of Lawrence, Jernigin, Logan, Miller, Montgomery, Nunn, Rector, Stringfellow, Williams and Mr. Speaker—21.

So the amendment was rejected.

Mr. Baxter moved to amend as follows: "*Provided*, The said company of the Fort Smith branch of the Cairo and Fulton railroad, do, within six months from and after the passage of this act pay over to the treasurer of the Arkansas and Pacific railroad company, any amount that Capt. R. S. Hunter's survey may have cost from the point where it crosses the Arkansas river, to Little Rock, which amount shall be ascertained by the certified report of the president of the Arkansas and Pacific railroad company, "with interest thereon, from and after the 1st day of August, 1854, and in default of such payment, this act shall be null and void, and of no effect."

Mr. Rector offered the following amendment to the amendment: "that upon the payment of said amount, the Arkansas Pacific branch company shall transfer to the Fort Smith branch the right of way and right of construction, from Little Rock to the point of intersection had by Mr. Barney."

Which last amendment was adopted.

Mr. Gregg offered to amend Mr. Baxter's amendment, as follows: strike out all after the 12th line, and insert in lieu thereof, "it intersects the survey of R. L. Hunter, to Little Rock, to be ascertained in such manner as may be directed by said companies."

Which last amendment was, on motion of Mr. Tuley, laid on the table.

Mr. Wood then moved to lay Mr. Baxter's amendment as amended, on the table until the 4th of July.

Which motion was lost.

Mr. Redmond moved to amend by inserting in Mr. Baxter's amendment, the words "under oath."

Which was agreed to.

Mr. Gordon moved to amend Mr. Baxter's amendment, by striking out "six months," and the words "in default shall be null and void and of no effect."

Which, on motion of Mr. Jacoway, was laid on the table till the 4th of July next.

Mr. Gregg proposed to amend Mr. Baxter's amendment, by striking out the words: "it crosses the Arkansas river" and inserting the words, "it is intersected by the survey of Joshua Barney, chief engineer of the Little Rock and Fort Smith company."

Which was agreed to, and on motion of Mr. Jernigin, the amendment as amended adopted.

Mr. Speaker moved the bill be engrossed, and made the order of the day for Monday next, which was lost.

When, on motion of Mr. Gordon, the rules were suspended, the bill read a third time and passed.

The House took a recess till 2½ o'clock, P. M.

EVENING SESSION, 2½ o'clock.

The House convened.

On motion of Mr. Williams, House bill, entitled "an act to provide for the refunding of swamp land scrip, located on unconfirmed swamp and overflowed lands, and to confirm certain irregular entries, and for other purposes," was taken up, and the amendments of the committee thereto, read and adopted.

Mr. Williams moved to amend as follows: between sections 4 and 5 insert the following:

SEC. 5. *Be it further enacted*, That in all cases where any tract of swamp and overflowed lands shall have been located or entered twice, or by more than one person, and the right to such land shall hereafter be decided or conceded in favor of any one of such entries, the scrip located on such land, in all other entries, shall be refunded, and it shall be the duty of the auditor, on being satisfied, from the records of his office, or the certificate of the land agent, or other officer of the proper swamp land district, that such double entry has been made, shall grant his warrant to such claimant, for the amount of swamp land scrip so erroneously located by him, on such land, and the treasurer, on the production of such warrant, shall issue the amount of scrip to such claimant, receivable in the same swamp land district in which his original scrip was located."

Which amendment was read twice and adopted.

On motion of Mr. Williams, the rules were suspended, the bill as amended, read a third time and passed.

On motion of Mr. Rector, House bill No. 284, entitled "an act to authorize Benjamin F. Danley, to erect and keep a toll bridge across Palarm creek," was taken up and Senate amendment thereto concurred in.

Mr. Stringfellow made the following report:

Mr. Speaker:

The select committee, to whom was referred the bill to legaize and confirm the acts of William Black, township commissioner, and for other purposes, have considered the same and recommend its passage.

STRINGFELLOW, *Chairman.*

On motion of Mr. Morton, the rules were suspended, said bill referred to above, read a third time and passed.

The following message was received from the Senate:

Mr. Speaker:

I am requested to announce to your honorable body that the Senate have concurred in the amendments of the House, to the amendments of the Senate to House bill, entitled an "act to aid in the construction of the Cairo and Fulton railroad."

Which is herewith returned.

W. L. D. WILLIAMS,
Secretary of Senate.

On motion of Mr. Logan, House bill No. 290, entitled "an act to regulate the jurisdiction of justices of the peace in criminal cases," was taken up.

Mr. Patterson moved to adopt the report of the majority of the judiciary committee, recommending the rejection of said bill.

Mr. Logan called for the yeas and nays on said motion, which call was sustained, and the roll called.

Those members voting to adopt the report, are

Messrs. Baxter, Beall, Beck, Brown, Bunch, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Ederington, Flippin, Gordon, Gould, Guice, Haggin, Hockersmith, Holmes, Hunter, Jones of Conway, Jones of Desha, Jones of Hot Spring, Leslie, Matthews, Montgomery, Moulden, Neale, Newton, Norsworthy, Patterson, Pettigrew, Powel, Rice, Stillwell, Stringfellow, Thorn, Tuley, Watson, Whinery, Williams, Wilson, Witt and Mr. Speaker—47.

Those members voting in the negative, are

Messrs. Allen, Burgess, Edmondson, Gregg, Hill, Jacoway, Johnson, Jones of Lawrence, Jernigin, Logan, Macon, Miller, Morton, Nunn, Poe, Primm, Puryear, Ramsey, Rector, Redmond, Smithson, Terry and Wood—23.

So the report was adopted, and the bill rejected.

The following message was received from the Governor by the hands of Mr. Johnson:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 15th of January, 1855, he approved and signed "an act to change the time of holding the Pulaski circuit court," and an act to revive the ballot system of voting, in elections and for other purposes.

R. H. JOHNSON,
Private Sec'y.

Mr. Logan asked and obtained leave to call up House bill No. 153, to be entitled an act to create a State Geologist, for the State of Arkansas.

Which was read a third time.

The question being on the passage of said bill, Mr. Primm called for the yeas and nays, which being sustained, the roll was called.

Those members voting for the passage of said bill, are

Messrs. Allen, Beck, Cannon, Desha, Edmondson, Gordon, Gould, Gregg, Haggin, Hill, Holmes, Hunter, Jones of Conway, Jones of Desha, Logan, Macon, Morton, Neale, Patterson, Poe, Rector, Redmond, Rice, Stillwell, Stringfellow, Tuley, Terry, Williams, Witt and Mr. Speaker—32.

Those members voting in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Bruton, Bunch, Burgess, Butts, Calvert, Douglas, Ederington, Flippin, Guice, Hockersmith, Jacoway, Johnson, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Matthews, Miller, Montgomery, Morton, Newton, Norsworthy, Nunn, Pettigrew, Primm, Powel, Puryear, Ramsey, Smithson, Thorn, Watson, Whinery, Williams and Wood—38.

So the bill was lost.

The following message was received from the Senate:

Mr. Speaker:

I am requested to inform your honorable body that the Senate have concurred in the amendments of the House to Senate bill No. 112, entitled an act to establish a seperate court of chancery at the seat of government, so that the causes of the State, including those against the trustees and officers of the Real Estate Bank, and those of individuals may be determined as early as practicable.

W. L. D. WILLIAMS,
Sec'y Senate.

On motion of Mr. Macon the vote taken on Wednesday, the 10th inst., on House bill entitled an act to establish the county of Logan, was reconsidered, Mr. Barton calling for the yeas and nays on said motion, the roll stood as follows:

Those members voting in the affirmative, are

Messrs. Bunch, Burgess, Calvert, Desha, Edmondson, Flippin, Gordon, Haggin, Hill, Holmes, Hunter, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Macon, Montgomery, Neale, Norsworthy, Nunn, Poe, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow, Terry, Thorn and Witt—35.

Those voting in the negative, are

Messrs. Barton, Baxter, Beall, Beck, Bruton, Butts, Byrne, Cannon, Douglas, Ederington, Gould, Gregg, Guice, Hockersmith, Jacoway, Johnson, Leslie, Morton, Matthews, Miller, Moulden, Newton, Patterson, Pettigrew, Powel, Primm, Smithson, Stillwell, Watson, Whinery, Williams, Wilson, Wood and Mr. Speaker —33.

The question being upon the passage of said bill, to establish the county of Logan, Mr. Barton called for the yeas and nays, on the passage of the bill.

Those members voting in the affirmative, are

Messrs. Allen, Austell, Burgess, Brown, Calvert, Edmondson, Haggin, Holmes, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Macon, Neale, Norsworthy, Nunn, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow, Terry, Tuley and Witt—29.

Those members voting in the negative, are

Messrs. Barton, Baxter, Beall, Beck, Bruton, Butts, Byrne, Cannon, Desha, Douglas, Ederington, Flippin, Gordon, Gould, Gregg, Guice, Hockersmith, Hill, Johnson, Jones of Conway, Leslie, Matthews, Miller, Montgomery, Moulden, Newton, Patterson, Pettigrew, Poe, Powel, Smithson, Stillwell, Thorn, Watson, Whinery, Williams, Wilson, Wood and Mr. Speaker—39.

So the bill was lost.

On motion of Mr. Byrne, the House adjourned until Monday morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

MONDAY, *Jan.* 15*th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of Saturday was read and approved.

Messrs. Beall and Watson asked and obtained leave of absence for Mr. Pettigrew.

On motion of Mr. Barton, the regular business of the morning was dispensed with.

Mr. Cannon called up Senate bill No. 71, to be entitled "an act concerning the estates of deceased persons."

Mr. Barton moved to amend said bill by striking out the third section.

Which amendment was, on motion of Mr. Byrne, rejected.

On motion of Mr. Matthews, the rules were suspended, the bill read a third time and passed.

Mr. Matthews asked and obtained leave to call up House bill No. 49, to be entitled "an act to authorize the sale of choses in action by executors and administrators, in certain cases," which was read a third time and passed.

Mr. Patterson, on leave granted, called up Senate bill No. 81, to be entitled "an act to appropriate an unexpended balance."

Which was read a first time.

On motion of Mr. Patterson, the rules were suspended, and the bill read a second time.

Mr. Patterson moved to have the rules suspended, in order to have said bill read a third time.

Which motion was lost.

Mr. Logan asked and obtained leave to withdraw House bill No. 290, entitled "an act to define the jurisdiction of justices of the peace in criminal cases."

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 180, to be entitled "an act for the relief of John E. Smith, sheriff of Columbia county."

Also, to House bill No. 272, to be entitled "an act to change the time of holding the probate court in the county of White."

Also, to House bill No. 364, to be entitled "an act for building a public bridge across Petit Jean creek, in Scott county, in this State."

All of which are herewith returned.

The Senate have assented to House bill No. 368, to be entitled "an act to provide for imposing additional duties on the presiding judge of the county courts of Crawford and Sebastian counties," with an amendment thereto, to which the concurrence of your honorable body is respectfully asked.

The Senate have also assented to House bill No. 260, to be entitled "an act to increase the fees of officers in Chicot and Desha counties," with amendments to the body and title thereof, in which your honorable body is asked to concur.

Both of which bills are herewith returned.

The Senate have passed Senate bill No. 122, to be entitled "an act revising the common school system of the State of Arkansas, approved January 11th, 1853."

Also, Senate bill No. 123, to be entitled "an act for the relief of William E. Butts, Robert Maloney, Davis Thompson, E. L. Pryor and Isham W. Wyatt."

Both of which are herewith transmitted for the assent of the House of Representatives, which is respectfully asked.

The Senate have adopted a joint resolution, authorizing Hon. Green R. Jones, of Lawrence county, to draw any *per diem* pay that may be due to the Hon. W. H. Judkins, deceased, as well as to authorize the Hon. J. H. Scoggin to draw from the treasury the *per diem* due the Hon. William S. Wade, deceased," and pay the same to the legal representatives of the Hon. W. H. Judkins, and the Hon. W. S. Wade deceased.

The Senate have passed Senate bill No. 120, entitled "an act to aid in the construction of the eastern branch of the Cairo and Fulton railroad, and to adopt the Memphis and Little Rock plank and railroad survey, as said eastern branch."

Which is hereby presented for the assent of your honorable body.

The Senate have concurred in the resolution of the House to rescind the resolution to adjoun *sine die*, on the 16th inst.

Which is herewith returned.

The Senate have adopted a joint resolution that the legislature adjourn *sine die*, on Saturday the 20th inst.

Which is herewith transmitted for the concurrence of your honorable body, which is respectfully asked.

I have the honor to present for your honor's signature, "an act to establish a separate court of chancery, at the seat of government, so that the causes of the State, including that against the trustees and officers of the Real Estate Bank, and those of individuals, may be determined as early as practicable."

Also, "an act supplemental and amendatory of an act to incorporate the Arkansas Mining, Manufacturing and Chemical Company, approved January 12th, 1853."

W. L. D. WILLIAMS,
Secretary Senate.

On motion of Mr. Redmond, the bill making appropriations for the years 1855, 1856 and part of the year 1854, was taken up.

On motion of Mr. Montgomery, the House resolved itself into committee of the whole, to consider said bill.

Mr. Tuley being in the chair.

The committee of the whole after sitting some time, arose and through their chairman, reported sundry amendments to said bill, and recommended its passage as so amended.

On motion of Mr. Gregg, said above report, with the amendments therein referred to, were adopted.

Mr. Wood moved to amend section 46 of the above bill, making general appropriations, by striking out the words "eight hundred" and insert "two hundred."

Mr. Redmond moved to lay said amendment on the table till the 4th of July.

Which motion was lost and the amendment agreed to.

Mr. Rector moved to amend by adding an additional section, to wit: "To pay J. A. Hutchings for enrolling bills for the last General Assembly the sum of fifteen dollars."

Which was read and adopted.

On motion of Mr. Gordon, the rules were suspended, said bill entitled "an act making appropriations for the years 1855 and 1856, and part of 1854, and for balances due form the State," was, as amended, read a third time and passed.

On motion of Mr. Powel, Senate bill No. 120, to be entitled "an act to aid in the construction of the eastern branch of the Cairo and Fulton Railroad, and to adopt the Memphis and Little Rock plank and railroad survey on said eastern branch," was taken up and read a first time.

On motion of Mr. Powel, the rules were suspended, and the bill read a second time.

On motion of Mr. Tuley, the House went into committee of whole, to consider the above entitled bill.

Mr. Wood was called to the chair.

After deliberating for some time, the committee arose, and through their chairman, reported said bill back to the House, and asked leave to sit again this afternoon, at half past 2 o'clock.

On motion, said report was adopted, and the House took a recess till half past 2 o'clock.

EVENING SESSION, 2½ o'clock, p. m.

The House convened.

On motion of Mr. Stringfellow, the House resolved itself into committee of the whole, and resumed the further consideration of Senate bill No. 120, to be entitled "an act to aid in the construction of the eastern branch of the Cairo an Fulton Railroad, and adopt the Memphis and Little Rock plank and railroad survey as said eastern branch."

Mr. Wood in the chair.

After an elaborate discussion upon the different provisions of the above entitled bill, the committee arose, and through their chairman, reported progress, and asked leave to sit again to-morrow morning 9 o'clock.

Which report was, on motion, adopted.

The following message was received from his Excellency, the Governor, by the hands of R. H. Johnson, esq.:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 15th January, 1855, he approved and signed "an act to aid in bringing to light the true condition of the Real Estate Bank of the State of Arkansas, and in holding to account and settlement, those who had charge of the assets under the deed of assignment of the 2d of April, one thousand eight hundred and forty-two, and in having the trust executed."

"An act to increase the pay of the judges and associate justices of the county courts of Monroe, Jackson, Chicot, Bradley, Dallas and Clark counties."

"An act for the relief of Wade Griffin."

Also a joint resolution instructing our Senators and requesting our Representatives in Congress, to especially inquire into the great complaint made by many of the citizens of this State, in regard to the derangement of many of the mail routes, and the want of mail facilities—and into the supposed fact that this derangement of our mail routes and want of mail facilities, is in consequence of the inefficiency of our mail agent, or his gross and wilful neglect of a faithful discharge of his duties; and further, as to the matter of expediency of having a mail agent appointed, who is a citizen of this State, whose interest is identified with the interest of Arkansas.

R. H. JOHNSON,
Private Sec'y.

On motion of Mr. Wilson, the House adjourned until to-morrow morning, 9 o'clock.

SAML. MITCHELL,
Speaker Ho. of Reps.

TUESDAY MORNING, *Jan.* 16*th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

On leave granted, Mr. Gordon introduced House bill, No. 384, to be entitled "an act to incorporate the Crystal State Improvement Company."

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended, the bill read a second time, and referred to a select committee, consisting of Messrs. Gordon, Hill, Jones of Conway, Logan and Austell.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have carefully examined "an act to authorize justices of the peace to issue executions upon judgments obtained before justices of the peace other than themselves."

An act entitled "an act to aid in the construction of the Cairo and Fulton Railroad."

"An act to make an appropriation for the payment of the State's attorneys, and the attorney for the State Bank, for the years 1853 and 1854."

"An act to amend section 11, of an act entitled an act amendatory of existing laws regulating the landed interest of this State."

"An act in relation to public arms."

"An act to regulate the sale of spirituous liquors in the counties of Phillips and Ouachita, and Taylor township, in the county of Columbia, in the State of Arkansas," and have instructed me to report the same as correctly enrolled.

HOLMES, *Chairman.*

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bills numbered and to be entitled as follows:

No. 365, to be entitled "an act to attach a portion of Lawrence county to Fulton, and for other purposes."

No. 205, to be entitled "an act for the relief of John H. Byers."

No. 285, to be entitled "an act to amend the road law."

No. 319, to be entitled "an act to incorporate the Perkins Institute, in Lawrence county."

No. 320, to be entitled "an act to incorporate the President and Trustees of the Bluff Spring Male and Female Academy."

No. 341, to be entitled "an act to incorporate the Little Rock Lumber and Manufacturing Company."

All of which are herewith returned.

The Senate have passed bills numbered and entitled as follows:

No. 129, to be entitled "an act amendatory of an act granting corporate powers for certain purposes," approved January 8th, 1851.

No. 121, to be entitled "an act to amend the charter of the Arkansas Midland Railroad Company."

Also a bill, to be entitled "an act supplementary to an act to aid in the construction of the Cairo and Fulton Railroad," approved ———, 1855,

Also, bill No. 128, to be entitled "an act for the relief of William W. Moore, Hardiman Green, William H. Wells, Henry S. Hudspeth and William Nichols, of Drew county."

All of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

W. L. D. WILLIAMS,
Sec'y of Senate.

Mr. Powel, from a select committee appointed by virtue of a joint resolution of the General Assembly to investigate the conduct and management of the swamp land commissioners, engineers, etc., and every thing pertaining to the swamp land interest, made an elaborate report in regard to said matter—which report, on motion of Mr. Powel, was ordered to be made a part of the appendix of the journal of the present session. For further particulars see appendix marked "R."

Mr. Hunter asked and obtained leave to call up House bill No. 282, to be entitled "an act more fully to perfect sheriff's and collector's bonds, and to add, in addition to other penalties, forfeiture of office in certain cases."

Which was read a third time and passed.

Mr. Wood made the following report:

Mr. Speaker:

The standing committee on memorials, to whom was referred a petition and remonstrance in regard to the new county seat of Chicot county, located by the commissioners for that purpurpose, have had the same under consideration and entertain the opinion that chapter 44 of the Revised Statutes, make ample provision for the removal of county seats; and furthermore, there seems to be two contending parties, very near equally divided, as appears from said petition and remonstrance; therefore, the committee deem it inexpedient to recommend any legislative action in the premises whatever.

WOOD, *Chairman.*

Mr. Flippin presented the petition of William Love, praying the legislature to relieve him from the payment of a certain State tax.

Which petition, on motion of Mr. Williams, was referred to the committee on the judiciary.

Mr. Jacoway offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That a committee of five be appointed on the part of the House, to act in conjunction with such number as may be appointed on the part of the Senate, whose duty it shall be to burn the notes of the Arkansas State Bank, now in the Treasurer's office;

amounting to six thousand five hundred and forty-seven dollars and one cent, ($6,547 01,) and the bonds and coupons that remain unsold—also to cancel the bonds and coupons received from the securities of Samuel Adams.

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second and third time and adopted.

Messrs. Jacoway, Wood, Ramsey, Cannon and Watson, were appointed as the committee on the part of the House.

On motion of Mr. Rector, House resolution to pay Benjamin F. Danley for attempting to arrest and bring to justice Abner E. Thornton, was taken up and read a third time and adopted.

Mr. Rector made the following report:

Mr. Speaker:

The committee on internal improvements, to whom was referred Senate bill No. 38, entitled "an act to authorize the county courts to subscribe their internal improvement fund for railroad purposes," have considered the same and recommend its passage.

RECTOR, *Chairman.*

On motion of Mr. Douglas, House bill No. 281, entitled "an act to amend the criminal law, under the head of Sabbath breaking," was taken up, read a third time and passed.

Mr. Ramsey inteoduced a bill, entitled "an act to authorize the making of title in certain cases."

Which was read a first time.

On motion of Mr. Rice, the rules were suspended, and the bill read a second time, and,

On motion of Mr. Stillwell, the rules were further suspended, and the bill read a third time and passed.

On motion of Mr. Holmes, Senate bill No. 117, entitled "an act for the relief of Elias Dawdy," was taken up and read a first time.

On motion of Mr. Wood, the rules were suspended, and the bill read a second and third time and passed.

On motion of Mr. Desha, Senate bill No. 94, entitled "an act to authorize the Governor to make, execute and acknowledge unto William A. Neely, of Independence county, a deed in fee simple, to certain tracts of swamp and overflowed lands purchased by said Neely," was taken up and read a first time.

On the further motion of Mr. Desha, the rules were suspended, the bill read a second and third time and passed.

Mr. Stillwell presented, and had referred to the committee on internal improvements, the report of the internal improvement commissioner of Pulaski county.

On motion of Mr. Bruton, Senate bill No. 114, entitled "an act for the relief of Alexander George and John Robins of Little Rock," was taken up and read a first time.

On motion of Mr. Bruton, the rules were suspended, the bill read a second time, and, On motion of Mr. Stringfellow, referred to a select committee, consisting of Messrs. Stringfellow, Guice, Rector, Desha and Wilson.

On motion of Mr. Rice, Senate bill No. 127, entitled "an act to amend the charter of the Arkansas Midland Railroad Company," was taken up and read a first time.

On the further motion of Mr. Rice, the rules were suspended, the bill read a second and third time and passed.

Mr. Rice introduced a bill, entitled "an act prescribing the mode of procedure in obtaining the right of way for railroads in this State."

Which was read a first time.

On motion of Mr. Rice, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Barton, the orders of the day were taken up, when the House went into committee of the whole on Senate bill No. 120, entitled "an act to aid in the construction of the eastern branch of the Cairo and Fulton Railroad, and to adopt the Memphis and Little Rock plank and railroad survey as said eastern branch."

Mr. Wood in the chair.

The committee of the whole, after sitting some time, arose, and reported said bill back to the House without amendment, and recommended its passage.

On motion of Mr. Baxter, said above report was adopted.

Mr. Hill was called to the chair.

Said above bill now being before the House on its second reading, Mr. Rice offered to amend as follows, to wit: amend section one, by striking out all after the words "branch thereof," in line 28, and inserting in lieu thereof, the following: "provided however, that the lands so granted as aforesaid, and the right conferred by the act of Congress above recited, of selecting other lands in lieu of such as may have been sold or otherwise appropriated by the United States, shall vest only as hereinafter prescribed, any thing hereinbefore contained to the contrary notwithstanding;" that is to say, the permanent line or route for said eastern branch of said Cairo and Fulton Railroad, between Little Rock and Clarendon, on White river, shall be the line or route of the Arkansas Midland Railroad between Little Rock and Clarendon, as surveyed under the authority of the Arkansas Midland Railroad Company, and adopted by the directory thereof, and the permanent line or route for the residue of said branch from White river to the Mississippi river, shall be the line or route of said Memphis and Little Rock Railroad between White river and the Mississippi river, as surveyed under the authority of said Memphis and Little Rock Railroad Company and adopted by the directory thereof, except such variations as may be requisite to connect the same with the above mentioned part of said eastern branch, at Clarendon, and the lands so granted as aforesaid and lying along said eastern branch, between Little

Rock and the Mississippi river, and all rights appertaining thereto, shall attach to said eastern branch conformably to the provisions of the act of Congress above recited."

Mr. Powel moved to reject said above amendment.

Before any action had thereon, on motion of Mr. Gordon, the House took a recess till 2½ o'clock, p. m.

EVENING SESSION, 2½ o'clock, Jan. 16th.

The House convened.

Mr. Whinery asked and obtained leave to take up Senate joint resolution, instructing our delegation in Congress to use their influence to procure the passage of an act granting lands to the Western Border Railroad.

Which was read a first time.

On motion of Mr. Whinery, the rules were suspended, the resolution read a second and third time and adopted.

On motion of Mr. Patterson, Senate bill No. 126, entitled "an act supplementary to an act to aid in the construction of the Cairo and Fulton Railroad," approved ———, 1855, was taken up and read a first time.

On motion of Mr. Patterson, the rules were suspended and the bill read a second time.

Mr. Tuley moved to amend the bill by striking out six months and inserting three months.

Which, on motion of Mr. Patterson, was laid on the table.

On motion of Mr. Gordon, the rules were suspended, the bill read a third time and passed.

On motion of Mr. Bruton, the bill in regard to the eastern terminus of the Cairo and Fulton railroad, was taken up.

The question being on the rejection of the amendment to said bill offered by Mr. Rice in the forenoon, Mr. Macon called for the yeas and nays, which call being sustained, the roll was called.

Those voting to reject the amendment, are

Messrs. Austell, Barton, Baxter, Beall, Burgess, Calvert, Cannon, Desha, Ederington, Flippin, Gregg, Guice, Hill, Hockersmith, Holmes, Johnson, Jones of Conway, Logan, Matthews, Morton, Moulden, Nunn, Patterson, Poe, Powel, Primm, Smithson, Stillwell, Thorn, Whinery, Williams, Wilson, and Wood —33.

Those members voting in the negative, are

Messrs. Allen, Beck, Brown, Bruton, Bunch, Butts, Byrne, Douglas, Edmondson, Gordon, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Macon, Miller, Montgomery, Neale, Newton, Norsworthy, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow, Terry, Tuley, Watson, Witt and Mr. Speaker—33.

So the motion to reject was lost.

Mr. Jones of Lawrence, made the following amendment to Mr. Rice's amendment, to wit: "*Provided*, That said Arkansas railroad company shall pay to said Memphis and Little Rock railroad company, the full amount of all subscriptions decided by any court of competent jurisdiction to be uncollectable by reason of the divergence hereinbefore required."

Which was agreed to.

Mr. Baxter moved to adopt Mr. Rice's amendment as amended.

Mr. Macon called for the yeas and nays, which call being sustained, the roll was called.

Those members voting in favor of the adoption, are

Messrs. Allen, Beck, Brown, Bruton, Bunch, Butts, Byrne, Douglas, Edmondson, Flippin, Haggin, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Macon, Miller, Montgomery, Neale, Newton, Norsworthy, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow, Terry, Tuley, Watson, Witt, and Mr. Speaker—34

Those members who voted in the negative, are

Messrs. Austell, Barton, Baxter, Beall, Burgess, Calvert, Cannon, Desha, Ederington, Gordon, Gregg, Guice, Hill, Hockersmith, Holmes, Johnson, Jones of Conway, Jernigin, Logan, Matthews, Morton, Moulden, Nunn, Patterson, Poe, Powel, Primm, Smithson, Stillwell, Thorn, Whinery, Williams, Wilson and Wood—34.

So the amendment was lost.

Mr. Rice offered to amend further, as follows, to wit: amend section one by striking out all after the enacting clause, and insert in lieu thereof, the following: "That the lands within this State, along the entire length of the line of the Arkansas Midland railroad from Helena to Little Rock, with the right conferred by the act of Congress, of selecting other lands in lieu of such as may have been sold or otherwise appropriated by the United States, and which lands were granted by an act of Congress, approved February 9th, 1853, to the States of Arkansas and Missouri to aid in the construction of a railroad from a point near Cairo, Illinois, to the Texas boundary near Fulton, Arkansas, with branches to Fort Smith and the Mississippi river, are hereby granted to the Arkansas Midland railroad company, so that they may be legally applied in aid of the construction of the Mississippi branch of the Cairo and Fulton railroad, separately from the main trunk line, or the Fort Smith branch thereof, and the line or route of the Arkansas Midland railroad, surveyed by authority of said company, and approved by the directory thereof, is hereby adopted and declared to be the route for the Mississippi branch of said Cairo and Fulton railroad, except such slight variations as the actual location may, in the judgment of the engineer require, and a copy of the survey thereof, made as aforesaid, shall, after the passage of this act, be filed in the office of Secretary of State, of the State of Arkansas, for preservation."

On motion of Mr. Patterson, the further consideration of said bill was postponed until to-morrow morning 9 oclock.

Mr. Rector asked and obtained leave of absence for Mr. Whinery.

On motion of Mr. Neale, the House adjourned till to-morrow morning 9 o'clock.

SAML. MITCHELL,
Speaker Ho. of Reps.

WEDNESDAY, *Jan. 17th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of Saturday last was read and approved.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body, that the Senate have assented to House bills as follows:

No. 108, entitled "an act to amend section 15, chapter 70 of the Digest."

No. 377, entitled "an act to confirm the acts of William Black, township commissioner, and for other purposes."

No. 316, entitled "an act to provide for building a public bridge across Vatche Grass, in Sebastian county."

No. 369, to be entitled "an act concerning the Bank of the State of Arkansas."

No. 300, to be entitled "an act to call in the scrip of Crawford county."

No. 196, to be entitled an "act to change the time of holding the circuit court of Perry county."

All of which are herewith returned.

The Senate have refused to assent to House bill No. 351, to be entitled "an act to declare King's river, in Carroll county, a navigable stream."

Which is herewith returned.

The Senate have concured in the joint resolution of the House to pay Benjamin F. Danley for certain services, rendered to the State.

Which is herewith returned.

The Senate have passed bills numbered and to be entitled as follows:

No. 130, to be entitled "an act to incorporate the town of Hampton."

No. 20, to be entitled "an act to repeal the law in relation to issuing executions on judgments against the State of Arkansas."

Both of which are herewith transmitted for the assent of your honorable body, which is respectfully asked.

The Senate have adopted a joint resolution in regard to the establishment of a four horse post coach line, from Washington, Arkansas, to Shreveport, Louisiana," and with regard to the increase of the grade of service in the line already established between Little Rock and Washington.

Which is herewith transmitted for the concurrence of your honorable body.

I am directed to present for your honor's signature, "an act concerning estates of deceased persons."

Also, "an act to incorporate the town of Dardanelle, Arkansas."

W. L. D. WILLIAMS,
Sec'y of the Senate.

The following message was received from his Excellency, the Governor, by the hands of R. H. Johnson, private secretary:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 16th day of January, 1855, he approved and signed "an act to authorize justices of the peace to issue executions upon the judgments obtained before justices of the peace, other than themselves."

"An act in relation to public arms."

"An act to make an appropriation to pay State's attorneys, and the attorney for the State Bank, for the years 1853 and 1854."

"An act to aid in the construction of the Cairo and Fulton railroad."

"An act to regulate the sale of spirituous and vinous liquors, in the counties of Phillips and Ouachita, and Taylor township, in the county of Columbia, in the State of Arkansas."

And "an act to amend section 11, of an act entitled an act, amendatory of existing laws regulating the landed interest of this State," approved May 12, 1853.

R. H. JOHNSON,
Private Sec'y.

Mr. Stringfellow moved to postpone the further consideration of Senate bill No. 120, entitled "an act to aid in the construction of the eastern branch of the Cairo and Fulton railroad until the hour of 11 o'clock, A. M.

Which motion was lost.

Mr. Wood was called to the chair.

The question being on the adoption of the amendment offered on yesterday, by Mr. Rice, to the above entitled bill, Mr. Macon called for the yeas and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Brown, Bruton, Butts, Douglas, Edmondson, Hunter, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Macon, Montgomery, Neale, Norsworthy, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow, Terry, Tuley, Watson, Witt and Mr. Speaker—24.

Those members voting in the negative, are

Messrs. Allen, Austell, Barton, Baxter, Beall, Beck, Bishop, Bunch, Burgess, Byrne, Calvert, Cannon, Desha, Ederington, Flippin, Gordon, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Jacoway, Johnson, Jones of Conway, Jernigin, Logan, Matthews, Miller, Morton, Moulden, Newton, Nunn, Patterson, Poe, Powel, Primm, Smithson, Stillwell, Thorn, Whinery, Williams, Wilson and Wood—44.

So the amendment offered by Mr. Rice was not adopted.

On motion of Mr. Baxter, said bill was then read a third time, according to a call of the previous question, which was put and sustained on motion of Mr. Baxter.

Mr. Rector offered the following amendment by way of rider:

"*And be it further enacted*, That the Midland railroad company, or any other railroad company, shall at all times have the right to form a connection with said Memphis branch company, by paying their proportionate amount of the expense of making said connection."

Which was read a first time.

On motion of Mr. Bruton, the rules were suspended, and said amendment read a second and third time and adopted.

The question now being on the passage of said bill as amended, Mr. Bruton called for the yeas and nays, which call being sustained, the roll was called.

Those members voting for the passage of the bill, are

Messrs. Allen, Austell, Barton, Baxter, Beall Beck, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gordon, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Jacoway, Johnson, Jones of Conway, Jones of Lawrence, Jernigin, Logan, Matthews, Miller, Montgomery, Morton, Moulden, Newton, Nunn, Patterson, Poe, Powel, Primm, Puryear, Ramsey, Smithson, Stillwell, Thorn, Whinery, Williams, Wilson and Wood—53.

Those voting in the negative, are

Messrs. Hunter, Jones of Desha, Jones of Hot Spring, Leslie, Macon, Neale, Norsworthy, Rector, Redmond, Rice, Stringfellow, Terry, Tuley, Witt and Mr. Speaker—15.

So the bill passed.

On motion of Mr. Baxter, the Senate resolution to adjourn *sine die*, on Saturday, the 20th inst., was taken up and its consideration, on motion of Mr. Gregg, postponed till Saturday morning, when

On motion of Mr. Norsworthy, the House took a recess till 2½ o'clock, P. M.

EVENING SESSION, 2½ o'clock.

The House convened.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to incorporate the Perkins Institute, in the county of Lawrence."

"An act to attach a portion of Lawrence county to the county of Fulton, and to attach a part of Fulton to the county of Marion."

"An act for the relief of John H. Byers."

"An act to amend the road laws."

"An act to incorporate the Little Rock Lumber and Manufacturing Company."

"An act to authorize B. F. Danley to erect and keep a toll bridge across Palarm creek."

"An act to incorporate the President and Trustees of the Bluff Spring, Male and Female Academy."

"An act for the relief of John E. Smith."

"An act to change the time of holding the probate courts in White county," and report the same correctly enrolled.

HOLMES, *Chairman.*

Mr. Powel introduced a bill, entitled "an act supplemental to an act to aid in the construction of the eastern branch of the Cairo and Fulton railroad," etc.

Which was read a first time.

On motion of Mr. Barton, the rules were suspended and the bill read a second time.

Mr. Rice offered to amend said bill by the addition of the following section:

"*Be it further enacted*, That in the event said Memphis and Little Rock railroad company shall fail to construct their road and put the same in complete running order, within the period specified in the provisions of an act to which this is a supplement, and on the route therein specified, said company shall, without process or proceeding for that purpose, forthwith forfeit all its corporate rights and franchises, and immediately thereon, all the corporate rights, franchises, privileges, immunities and property, real, personal and mixed, belonging to said company, shall vest in and belong to the Arkansas Midland railroad company, and said Arkansas Midland railroad company shall proceed, in that event, to construct their road as the eastern branch of the Cairo and Fulton railroad, on the line or route between Little Rock and Helena, adopted by the directory of said Arkansas Midland railroad company."

Sec. — "*Be it further enacted*, That if the said Memphis and Little Rock railroad company, shall elect to accept the grant of lands made by Congress upon the terms, as provided in the act to which this is a supplement, the president of said company shall signify such acceptance by written communication addressed to the Governor of this State within sixty days after the passage of this act, and in the event of a failure of the president of said company, so to signify such acceptance within sixty days as aforesaid, then the provisions of the act to which this is a supplement, shall, as to said company, be null and void, and the said grant of lands thereto appertaining, shall, in that event, immediately vest in said Arkansas Midland railroad company as aforesaid."

Mr. Barton moved to lay said amendment on the table till the 4th of July.

Mr. Rice called for the yeas and nays, which call being sustained, the roll was called.

Those members voting to lay the amendment on the table, are

Messrs. Austell Barton, Baxter, Beall, Beck, Bishop, Bunch, Burgess, Byrne, Calvert, Cannon, Desha, Ederington, Flippin, Gordon, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Johnson, Jernigin, Logan, Matthews, Montgomery, Morton, Moulden, Newton, Nunn, Patterson, Poe, Powel, Primm, Puryear, Smithson, Stillwell, Wilson and Wood—39.

Those voting in the negative, are

Messrs. Brown, Bruton, Butts, Douglas, Edmondson, Hunter, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Macon, Norsworthy, Ramsey, Redmond, Rice, Stringfellow, Terry, Tuley, Witt and Mr. Speaker—20.

So the amendment was laid on the table.

Mr. Rice moved to amend by adding, as an additional section to the bill, as follows:

"*Be it further enacted,* That said Memphis and Little Rock railroad company, shall have and forever retain the depot of their road at the eastern terminus thereof, in the State of Arkansas, and shall forever transport passengers and freight free of charge, across the Mississippi river, to and from said depot, and a failure of said company to comply with the provisions of this section, shall work a forfeiture to the State of Arkansas, of all the corporate rights and franchises of all property real and personal of said company."

Mr. Barton moved to lay said last amendment on the table also.

Mr. Rice called for the ayes and nays, and being sutained, the roll was called.

Those members who voted to lay on the table, are

Messrs. Austell, Barton, Baxter, Beall, Bishop, Bunch, Burgess, Byrne, Calvert, Cannon, Desha, Douglas, Ederington, Flippin, Gordon, Gregg, Guice, Haggin, Hill, Hockersmith, Holmes, Jacoway, Johnson, Jones of Conway, Jernigin, Logan, Matthews, Morton, Moulden, Newton, Nunn, Patterson, Poe, Powel, Primm, Smithson, Stillwell, Thorn, Wilson, Wood and Mr. Speaker—41.

Those voting in the negative, are

Messrs. Beck, Brown, Bruton, Butts, Edmondson, Hunter, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Macon, Montgomery, Neale, Norsworthy, Puryear, Ramsey, Rector, Redmond, Rice, Stringfellow, Tuleyand Witt—22.

So the amendment was laid on the table.

Mr. Poe then offered the following amendment:

"*Provided,* The president of said road shall notify the Governor of the State of the acceptance of this grant, within six months from the passage of this act."

Which said last amendment was agreed to.

On motion of Mr. Barton, the rules were suspended, the bill, as amended, read a third time and passed.

The following message was received from the Senate:

Mr. Speaker:

I have the honor to inform your honorable body that the Senate have concurred in the amendment of the House, to Senate bill No. 120, entitled "an act to aid in the construction of the eastern branch of the Cairo and Fulton railroad, and to adopt the Memphis and Little Rock plank and railroad survey as said eastern branch."

I have the honor to present for your honor's signature, "an supplementary to an act to aid in the construction of the Cairo and Fulton railroad."

"An act to authorize the Governor to make, execute and acknowledge unto William A. Neely, of Independence county, a deed in fee simple to certain tracts of swamp and overflowed lands."

The Senate have assented to House bill No. 389, entitled "an act supplemental to an act to aid in the construction of the eastern branch of the Cairo and Fulton railroad," etc.

Which is herewith returned.

W. L. D. WILLIAMS,
Secretary Senate.

Mr. Wood made the following report:

Mr. Speaker:

The committee on memorials, to whom was referred the petition of sundry citizens of the city of Fort Smith, praying the repeal of an act passed at the present session, entitled "an act to provide more fully for the incorporation of the city of Fort Smith," concede the right of petition, and with all due deference to so large a number of respectable citizens, your committee believe that this body have legislated for the best interests of said city, as the same has been represented to them by the honorable member from the city of Fort Smith, and they are fully apprised that this General Assembly cannot repeal an act passed by them during the present session. They therefore, with all due respect, recommend the rejection of the prayer of said petitioners.

WOOD, *Chairman.*

Which report was, on motion of Mr. Butts, adopted.

Mr. Smithson made the following report:

Mr. Speaker:

The committee on printing, to whom was referred House bill No. 375, entitled "an act to provide for the printing the acts and journals of the present General Assembly," have considered and examined the same, and have instructed me to report the same back without amendment and recommend its passage.

SMITHSON, *Chairman.*

On motion of Mr. Smithson, the rules were suspended, the bill read a third time and passed.

Mr. Baxter moved to suspend the rules of the House, in order to take up Senate bill No. 92, to be entitled "an act regulating the election, duties an compensation of public printer."

Which motion was lost.

Mr. Johnson was called to the chair.

Mr. Jones of Desha, introduced House bill No. 390, to be entitled "an act to enable the Little Rock and Napoleon railroad company to reclaim swamp and overflowed lands."

Which was read a first time.

On motion of Mr. Jones of Desha, the rules were suspended, and the bill read a second time.

Mr. Puryear moved to refer said bill to the standing committee on internal improvements.

Mr. Holmes called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Barton, Baxter, Bunch, Burgess, Calvert, Douglas, Edmondson, Flippin, Gregg, Hockersmith, Hunter, Johnson, Leslie, Matthews, Newton, Patterson, Smithson, Stillwell, Puryear, Wilson and Mr. Speaker—23.

Those members voting in the negative, are

Messrs. Beall, Beck, Bishop, Brown, Bruton, Butts, Byrne, Desha, Ederington, Gordon, Guice, Haggin, Hill, Holmes, Jacoway, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Macon, Miller, Montgomery, Morton, Neale, Norsworthy, Nunn, Poe, Powel, Primm, Ramsey, Rector, Redmond, Rice, Stringfellow, Terry, Thorn, Tuley, Witt and Wood—41.

So the bill was not referred.

Mr. Patterson moved to postpone indefinitely said bill.

The ayes and nays being ordered, the roll was called.

Those members voting to postpone the bill, are

Messrs. Allen, Austell, Barton, Beck, Bishop, Brown, Bunch, Cannon, Desha, Douglas, Ederington, Flippin, Gordon, Gregg, Haggin, Hockersmith, Hunter, Johnson, Jones of Conway, Jernigin, Leslie, Logan, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Newton, Patterson, Powel, Primm, Puryear, Smithson, Stillwell, Williams, Wilson, Wood and Mr. Speaker—40.

Those members who voted in the negative, are

Messrs. Beall, Bruton, Burgess, Butts, Byrne, Edmondson, Guice, Hill, Holmes, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Macon, Nunn, Poe, Ramsey, Rector, Redmond, Rice, Stringfellow, Terry, Thorn, Tuley and Witt—25.

So the motion to postpone the bill indefinitely prevailed.

On motion of Mr. Stringfellow, the House adjourned till tomorrow morning 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

THURSDAY, *Jan.* 18*th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lee.

The journal of yesterday was read and approved.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have refused to assent to House bill No. 303, entitled "an act for the relief of Thomas Price, of White county."

The Senate have assented to House bills as follows:

No. 177, entitled "an act better to define the line between the counties of Searcy and Van Buren," with an mendment thereto, to which your concurrence is asked.

No. 111, entitled "an act to pay for the binding the 14th, and printing the 14th and 15th volumes of the supreme court reports."

No. 101, entilled "an act to amend in part chapter 52, of the Digest."

No. 370, entitled "an act concerning the Jennings' Falls Manufacturing company."

No. 371, entitled "an act for the relief of a portion of the citizens of Arkansas county."

No. 348, entitled "an act concerning the town of Fayetteville."

No. 363, entitled "an act to authorize certain counties herein named, to levy a road tax, and for other purposes," with an amendment thereto, to which your concurrence is respectfully asked.

No. 323, entitled "an act for the benefit of A. J. Bowen, late sheriff of Newton county."

"An act to amend chapter 16th of the Digest."

No. 299, entitled "an act for the benefit of witnesses in certain cases in Jackson county."

No. 317, entitled "an act to enclose gin houses in Johnson and Jefferson counties, and for other purposes."

No. 330, entitled "an act to amend section 112, chapter 4, of the Digest."

No. 49, entitled "an act to authorize choses in action by executors and administrators in certain cases."

No. 98, entitled "an act to amend an act to grant a charter to Wm. F. S. Barkman, to erect a toll-bridge on Bayou De Roche," approved January 2d, 1851.

No. 159, entitled "an act to repeal a part of section 22; chapter 69, of the Digest."

No. 388, entitled "an act to authorize the making of titles in certain cases."

No. 226, entitled "an act to regulate the sale of section 16, in township 3 north, range 31 west, in Sebastian county."

No. 281, entitled "an act to amend the criminal law, under the head of Sabbath breaking."

And No. 270, entitled "an act for the relief of L. D. Sutton, of Independence county."

All of which are herewith returned.

The Senate have concurred in the resolutions of the House, approving of the repeal of the compromise acts of 1820, and in disapprobation of the conduct of the fanatics of the north, etc.

A resolution with regard to the establishment of a mail route from Napoleon to Florence, in Desha county.

A resolution with regard to a mail route from Fort Smith to Fort Washita; and a resolution with regard to a mail route from Fort Smith to Donna Anna, in New Mexico.

All of which are herewith returned.

The Senate have also concurred in the resolution of the House, with regard to raising a joint committee to burn certain Arkansas bank notes," etc.

The committee on the part of the Senate, are Messrs. Berry, Jones, Rose, Askew, and Lemoyne.

The Senate have passed bills numbered and entitled, as follows:

No. 136, entitled "an act to amend an act, approved November 21st, 1851, declaring King's river, in Carroll county, a navigable stream."

No. 135, entitled "an act to repeal an act to declare Petit Jean, in Yell county, a navigable stream."

No. 75, entitled "an act to incorporate the Ouachita and Camden Coal and Iron Manufacturing Company."

The Senate have adopted a resolution recommending the holding of county conventions, to take into consideration the propriety of severing our social and commercial relations with Ohio and other States, on account of their disregard of our rights.

All of which are herewith presented for the consideration of your honorable body.

W. L. D. WILLIAMS,
Secretary of Senate.

On motion of Mr. Holmes, House bill No. 213, entitled "an act amending the tax laws of this State," was taken up and read a third time.

The question being on the passage of the bill, Mr. Bruton called for the ayes and nays, which call being sustained, the roll was called.

Those members voting for the passage of the bill, are

Mersrs. Allen, Austell, Baxter, Beall, Bishop, Brown, Bruton, Burgess, Butts, Byrne, Calvert, Desha, Edmondson, Ederington, Gordon, Guice, Haggin, Hill, Hockersmith, Holmes, Hunter, Jacoway, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Miller, Montgomery, Morton, Newton, Norsworthy, Nunn, Poe, Powel, Puryear, Ramysey, Rector, Thorn, Tuley, Williams, Wilson, Wood and Mr. Speaker —45.

Those members who voted in the negative, are

Messrs. Beck, Bunch, Cannon, Douglas, Flippin, Gregg, Johnson, Jones of Desha, Macon, Matthews, Moulden, Neale, Patterson, Redmond, Rice, Smithson, Terry and Witt—19.

So the bill was passed.

Mr. Cannon, on leave granted, offered the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the two Houses go into an election for the purpose of electing swamp land officers for this State, on Friday, the 19th inst., at 2½ o'clock, and that the Senate be requested to concur herein.

Which was read and adopted.

Mr. Nunn called up Senate joint resolution, proposing to pay the funeral expenses of the late Hon. Mr. Judkins, and the Hon. Mr. Wade, now deceased.

Which was read a first time.

On motion of Nunn, the rules were suspended, and the resolution read a second time.

Mr. Nunn proposed to amend said resolution so that the pay of said W. H. Judkins and Wm. S. Wade shall extend up to the 20th January inst.

Which was read and adopted, and the resolution, as amended, read a third time and concurred in.

Mr. Patterson offered the following resolution:

Resolved, That to avoid confusion, the clerk call the roll by counties in alphabetical order. Upon the call of a county, each member from the county called shall have the floor, and call up any bill or resolution in which he may feel an interest; *Provided*, No member shall have a right to call for more than two bills at one time.

Mr. Neale proposed to amend said resolution, by saying, that no member of this House shall occupy the floor for the purpose of making a speech on any subject, a longer time than five minutes, without leave granted.

Mr. Gregg moved to amend the amendment, by saying, call the roll of members, and allow each member to call up one bill or resolution.

Mr. Miller moved to lay said resolution on the table till the 4th of July.

Which motion was lost, and the resolution, as amended, adopted.

Mr. Tuley asked and obtained leave to call up Senate bill No. 122, to be entitled "an act to amend an act revising the common school system of the State of Arkansas," approved 11th January, 1853.

Which was read a first time.

On motion of Mr. Tuley, the rules were suspended, and the bill read a second time.

On motion of Mr. Matthews, said bill was referred to a select committee of five, consisting of Messrs. Matthews, Tuley, Norsworthy, Wilson and Johnson.

Mr. Speaker called up House bill No. 374, to be entitled "an act to amend the several acts now in force, in relation to the swamp and overflowed lands.

Which was read.

On motion of Mr. Wood, the House resolved itself into committee of the whole to consider said bill.

Mr. Smithson in the chair.

After some time spent therein, the committee arose, and through their chairman, reported said bill back to the House, and recommended the rejection of the same.

Which report, on motion of Mr. Macon, was adopted, and the bill rejected.

Mr. Allen called up Senate bill No. 128, to be entitled "an act for the relief of William W. Moore, Hardiman Greer, William H. Wells, Henry A. Hudspeth and William Nichols, of Drew county.

Which was read a first time.

On motion of Mr. Guice, the rules were suspended, the bill read a second time, and

On motion of Mr. Gregg, referred to the standing committee on claims.

Mr. Austell called up House bill No. 286, to be entitled "an act amendatory of an act entitled an act concerning forfeited lands, and for other purposes, approved January 11th, 1851."

Which was read, and the amendments reported to said bill, by the judiciary committee, adopted, the bill as amended, read a third time and passed.

Mr. Barton called up House bill No. 340, to be entitled "an act to amend the 159th chapter of the Digest."

Which was read a third time.

The question being on the passage of said bill, Mr. Butts called for the ayes and nays, which call being sustained the roll was called.

Those members voting in the affirmative, are

Messrs. Barton, Baxter, Beck, Bishop, Brown, Byrne, Cannon, Desha, Edmondson, Ederington, Flippin, Gordon, Gregg, Guice, Hill, Hockersmith, Hunter, Jacoway, Jones of Conway, Leslie, Montgomery, Morton, Newton, Patterson, Powel, Stillwell and Terry—27.

Those members voting in the negative, are

Messrs. Allen, Austell, Bunch, Burgess, Butts, Calvert, Douglas, Haggin, Johnson, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Macon, Moulden, Neal, Norsworthy, Nunn, Poe, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Stillwell, Tuley, Williams, Wilson, Witt, Wood and Mr. Speaker—34.

So the bill was rejected.

The following message was recieved from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have assented to House bill No. 360, to be entitled "an act to protect the interest of the State," which is herewith returned.

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Baxter called up Senate bill No. 95, to be entitled "an act to arrange the senatorial districts and to apportion representation among the counties to the General Assembly of Arkansas."

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended and the bill read a second time.

Mr. Baxter moved to put said bill on its third reading, and moved the previous question.

The chair decided said motion out of order.

Mr. Baxter appealed from said decision to the House.

The question being submitted, the decision of the chair was sustained.

Mr. Matthews offered the following amendment to said bill:

That the counties of Johnson and Yell compose the 5th district.

The counties of Pope and Conway compose the 6th district.

The counties of Izard and Van Buren compose the 7th district.

The county of Independence compose the 8th district.

The counties of Lawrence and Fulton compose the 9th district.

The counties of Marion and Searcy compose the 10th district.

The counties of Randolph and Green compose the 11th district.

The counties of Poinsett, Crittenden and Mississippi compose the 12th district.

The counties of St. Francis and Phillips compose the 13th district.

The counties of Jackson and White compose the 14th district.

The counties of Pulaski and Prarie compose the 15th district.

The counties of Jefferson, Arkansas and Monroe compose the 16th district.

The counties of Drew, Ashley, Desha and Chicot compose the 17th district.

The counties of Dallas and Bradley compose the 18th district.

The counties of Ouachita and Calhoun compose the 19th district.

The counties of Perry, Saline and Hot Spring compose the 20th district.

The county of Union compose the 21st district.

The counties of Sebastian and Scott compose the 22d district.

The counties of Clark, Montgomery and Polk compose the 23d district.

The counties of Hempstead, Sevier and Polk compose the 24th district.

The counties of Columbia and Lafayette compose the 25th district.

Mr. Barton moved to lay said above amendment on the table till the 4th of July.

Mr. Matthews called for the ayes and nays, which call being sustained, the roll was called.

Those members voting to lay Mr. Matthews' resolution on the table, are

Messrs. Austell, Baxter, Barton, Beck, Burgess, Butts, Calvert, Cannon, Desha, Douglas, Ederington, Flippin, Gordon, Guice, Haggin, Hill, Hunter, Jacoway, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Macon, Montgomery, Neale, Norsworthy, Nunn, Patterson, Poe, Ramsey, Redmond, Rice, Stillwell, Stringfellow, Tuley, Williams and Witt—39.

Those members who voted in the negative, are

Messrs. Allen, Bishop, Brown, Bruton, Bunch, Byrne, Edmondson, Gregg, Holmes, Matthews, Morton, Moulden, Newton, Powel, Primm, Puryear, Rector, Smithson, Wilson, Wood and Mr. Speaker—21.

So said motion prevailed.

Mr. Holmes moved to take a recess till 2½ o'clock.

Which motion was lost.

On motion of Mr. Baxter, the rules were suspended and Senate bill No. 120 read a third time.

The question being on the passage of said bill, Mr. Bruton called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Allen, Austell, Barton, Baxter, Beck, Bishop, Brown, Bunch, Burgess, Butts, Calvert, Desha, Douglas, Ederington, Edmondson, Flippin, Gordon, Haggin, Hill, Jacoway, Jones of Conway, Jones of Desha, Jones of Lawrence, Jones of Hot Spring, Jernigin, Leslie, Logan, Montgomery, Morton, Neale, Norsworthy, Nunn, Patterson, Poe, Ramsey, Stillwell, Stringfellow, Tuley, Witt and Mr. Speaker—40.

Those members who voted in the negative, are

Messrs. Beall, Bruton, Byrne, Cannon, Gregg, Holmes, Macon, Matthews, Moulden, Newton, Powel, Primm, Puryear, Rector, Redmond, Rice, Smithson, Williams, Wilson and Wood—20.

So said bill passed.

On motion of Mr. Wood, the House took a recess till 2½ o'clock, P. M.

EVENING SESSION, 2½ o'clock.

The House convened.

On motion of Mr. Beck, House bill No. 151, to be entitled "an act to prevent shooting across and along public roads and highways," was taken up and read a second time.

Mr. Neale moved to amend said bill by exempting the county of Chicot from the provisions of the same.

Which was lost, and the bill, on motion of Mr. Beck, read a third time and passed.

On motion of Mr. Beall, House bill No. 363, to be entitled "an act to authorize certain counties in this State to levy a road tax and for other purposes," was taken up, and the amendment proposed by the Senate to said bill, read and concurred in.

Mr. Bishop introduced House bill No. 390, to be entitled "an act to amend the laws of this State, regulating the sale and forfeiture of the 500,000 acres of land."

Which was read a first time.

On motion of Mr. Powel, the rules were suspended, the bill read a second time, and referred to the committee on the judiciary, by motion of Mr. Ederington.

Mr. Brown introduced House bill No. 391, to be entitled "an act to incorporate the Little Rock and Fort Smith Branch Railroad Company."

Which was read a first time.

On motion of Mr. Gordon, the rules were suspended and the bill read a second time.

Mr. Tuley moved to refer said bill to the committee on internal improvements.

Which was lost.

Mr. Bruton moved to amend said bill, the second section thereof, by striking out the word "perpetual" and insert in lieu thereof "ninety-nine years."

Which amendment was agreed to, the rules further suspended, the bill, as amended, read a third time and passed.

Mr. Bruton called up House bill No. 332, to be entitled "an act to prevent fraudulent issues of stock," which was read, and the the amendments reported to said bill, by the committee on the judiciary, adopted, the bill read a third time and passed.

Mr. Bunch called up House bill No. 177, to be entitled "an act better to define the line between the counties of Searcy and Van Buren," when the amendments to said bill, proposed by the Senate, were read a first and second time and concurred in.

On motion of Mr. Burgess, House bill No. 181, to be entitled "an act to amend section 148 of the Digest of the State of Arkansas," was taken up.

Mr. Burgess moved to reject the report of the judiciary committee, recommending the rejection of said bill.

Which motion was lost.

On motion of Mr. Flippin, said report was adopted and the bill rejected.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have carefully examined "an act supplemental to an act entitled an act to aid in the construction of the eastern branch of the Cairo and Fulton railroad, and adopt the Memphis and Little Rock plank or railroad survey as said eastern branch," and have instructed me to report the same as correctly enrolled.

HOLMES, *Chairman.*

Mr. Butts called up House bill No. 132, to be entitled "an act to regulate the election of the office of sheriff in this State."

Which was read, and on motion of Mr. Holmes, laid on the table till the 4th of July.

Mr. Byrne introduced House bill No. 392, to be entitled "an act to incorporate the Lewisville Masonic Academy."

Which was read a first time.

On motion of Mr. Byrne, the rules were suspended, the bill read a second and third time and passed.

Mr. Calvert called up House joint resolution, concerning the field notes and diagrams of the United States surveys in the State of Arkansas, offered by himself on the 22d of November.

Which was read a second and third time and adopted.

On motion of Mr. Desha, Senate bill No. 106, to be entitled "an act to change and fix the times of holding the circuit courts in the third judicial circuit," was taken up and read a first time.

On motion of Mr. Desha, the rules were suspended and the bill read a second time.

Mr. Desha offered the following amendment to the bill: Strike out, in the fourth line of first section, the word "Independence;" also strike out the word "fourth" in the eighth line of said first section, and insert in lieu thereof the word "first."

Which amendment was adopted, and the bill, as amended, read a third time.

Mr. Beck called for the ayes and nays on its passage, which stood as follows:

Ayes—Messrs. Barton, Bishop, Byrne, Cannon, Desha, Edmondson, Gregg, Guice, Haggin, Hill, Hockersmith, Jones of Conway, Matthews, Montgomery, Neale, Patterson, Powel, Stillwell, Terry, Thorn, Williams and Mr. Speaker—22.

Nays—Messrs. Austell, Beck, Brown, Bruton, Bunch, Burgess, Butts, Calvert, Douglas, Ederington, Flippin, Gordon, Holmes, Hunter, Jones of Hot Spring, Jones of Lawrence, Leslie, Logan, Macon, Moulden, Newton, Nunn, Puryear, Ramsey, Redmond, Rice, Smithson, Tuley, Witt and Wood—30.

So said bill was not passed.

On motion, Messrs. Williams and Stillwell were added to a select committee appointed to consider Senate bill, entitled "an act to amend an act to revise the common school law of this State."

Mr. Williams moved to adjourn until to-morrow morning, 9 o'clock.

Which was lost.

Mr. Wood moved to take a recess till 6½ o'clock, P. M.

Which was also lost.

On motion of Mr. Douglas, House bill No. 336, entitled "an act to provide for the appointment of special judges," was taken up.

The question being on the adoption of the amendment, offered by Mr. Wood on the 8th inst., Mr. Byrne moved to amend the same by striking out "15" and inserting "25."

Mr. Williams moved to lay both the amendment and the amendment to the amendment on the table till the 4th of July.

Mr. Wood called for the ayes and nays, which call being sustained, the roll was called.

Those members voting to lay on the table, are

Messrs. Austell, Bruton, Burgess, Calvert, Desha, Edmondson, Gregg, Haggin, Hill, Hunter, Jones of Lawrence, Montgomery, Newton, Nunn, Patterson, Poe, Ramsey, Rector, Smithson, Terry and Williams—21.

Those voting in the negative, are

Messrs. Barton, Baxter, Beall, Beck, Bishop, Brown, Bunch, Byrne, Cannon, Douglas, Ederington, Flippin, Gordon, Holmes, Jones of Conway, Jones of Hot Spring, Jernigin, Leslie, Macon, Matthews, Moulden, Powel, Puryear, Redmond, Rice, Stillwell, Witt, Wood and Mr. Speaker—29.

So the motion to lay on the table failed.

On motion of Mr. Jones of Lawrence, the House adjourned until to-morrow morning, 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

FRIDAY, *Jan.* 19*th*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform for honorable body, that the Senate have assented to House bill, to be entitled "an act making appropriations for the years 1855 and 1856, and part of the year 1854, and for balances due from the State," with amendments thereto, in which your honorable body is respectfully asked to concur.

Which is herewith returned.

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Matthews moved to suspend the rules of the House, in order to make a report from a select committee.

Which was lost.

The orders of the day were taken up.

The question being on the amendment, offered by. Mr Wood, to House bill No. 336, to be entitled "an act to provide for the appointment of special judges," Mr. Miller called for the ayes and nays, which call being sustained, the roll was called.

Those members voting for the adoption of said amendment, are

Messrs. Beall, Bunch, Burgess, Ederington, Gordon, Jacoway, Johnson, Jones of Conway, Leslie, Miller, Puryear, Ramsey and Wood—13.

Those members who voted in the negative, are

Messrs. Austell, Barton, Beck, Bishop, Brown, Bruton, Butts, Byrne, Calvert, Desha, Douglas, Edmondson, Flippin, Gregg, Haggin, Hill, Holmes, Hunter, Jones of Desha, Jones of Lawrence, Jernigin, Logan, Macon, Matthews, Montgomery, Moulden, Neale, Newton, Norsworthy, Nunn, Patterson, Powel, Primm, Rector, Redmond, Rice, Smithson, Stillwell, Terry, Tuley, Williams, Wilson, Witt and Mr. Speaker—44.

So the amendment was lost.

Mr. Wood moved to amend said bill, by striking out "one hundred dollars" and inserting "fifty dollars;" also, by striking out "eight hundred dollars" and insert in lieu thereof "interest, five hundred dollars."

The question being on the adoption of said amendment, Mr. Wood called for the ayes and nays, which call being sustained, the roll was called.

Those members voting for the adoption of said amendment, are

Messrs. Beall, Beck, Bishop, Bruton, Bunch, Burgess, Butts, Calvert, Douglas, Ederington, Flippin, Guice, Holmes, Jacoway, Johnson, Jones of Conway, Jernigin, Leslie, Logan, Macon, Miller, Norsworthy, Powel, Primm, Puryear, Ramsey, Wilson, Wood and Mr. Speaker—29.

Those members voting in the negative, are

Messrs. Austell, Barton, Brown, Byrne, Desha, Edmondson, Gregg, Haggin, Hill, Hunter, Jones of Desha, Jones of Lawrence, Matthews, Montgomery, Moulden, Newton, Nunn, Patterson, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Terry, Tuley, Williams and Witt—28.

So said amendment was adopted.

Mr. Burgess moved a reconsideration of the vote on the adoption of said amendment.

Mr. Wood called for the ayes and nays, which call being sustained, the roll was called.

Those members who voted to reconsider, are

Messrs. Allen, Austell, Barton, Baxter, Brown, Burgess, Byrne, Calvert, Desha, Edmondson, Gregg, Haggin, Hill, Hunter, Jones of Desha, Jones of Lawrence, Montgomery, Neale, Nunn, Patterson, Rector, Redmond, Rice, Smithson, Stillwell, Stringfellow, Terry, Williams, Wilson and Witt—30.

Those members who voted against reconsideation, are

Messrs. Beall, Beck, Bishop, Bruton, Bunch, Butts, Cannon, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Moulden, Newton, Norsworthy, Powel, Primm, Puryear, Ramsey, Tuley, Wood and Mr. Speaker—32.

So the vote was not reconsidered.

The bill having been read a third time, Mr. Wood moved the previous question, upon the final passage of said bill, which question being put and sustained, the roll was called, Mr. Miller having called for the ayes and nays.

Those members who voted in the affirmative, are

Messrs. Allen, Barton, Baxter, Bishop, Calvert, Edmondson, Ederington, Flippin, Gordon, Gregg, Jacoway, Jones of Conway, Jones of Desha, Jernigin, Logan, Macon, Miller, Norsworthy, Nunn, Primm, Powel, Redmond, Rice, Stringfellow, Terry and Wilson—26.

Those members who voted in the negative, are

Messrs. Austell, Beall, Beck, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Cannon, Desha, Douglas, Guice, Haggin, Hill, Holmes, Hunter, Johnson, Jones of Lawrence, Leslie, Matthews, Montgomery, Moulden, Neale, Newton, Patterson, Puryear, Ramsey, Rector, Smithson, Stillwell, Tuley, Williams, Witt, Wood and Mr. Speaker—36.

So the bill was rejected.

Mr. Edmondson introduced a bill, entitled "an act to enable the Arkansas and Midland Railroad Company to reclaim swamp and overflowed lands."

Which was read a first time.

On motion of Mr. Edmondson, the rules were suspended and the bill read a second time.

Mr. Puryear moved to lay said bill on the table till the 4th of July.

Mr. Macon called for the ayes and nays on said motion.

The call being sustained, the roll was called.

Those members voting to lay on the table, are

Messrs. Allen, Austell, Barton, Beck, Bunch, Burgess, Calvert, Cannon, Desha, Ederington, Flippin, Gregg, Hunter, Johnson, Jones of Conway, Leslie, Matthews, Moulden, Newton, Patterson, Puryear, Stillwell, Wood and Mr. Speaker—24.

Those voting in the negative, are

Messrs. Baxter, Beall, Bishop, Brown, Bruton, Butts, Byrne, Douglas, Edmondson, Guice, Haggin, Hill, Jacoway, Jones of Desha, Jones of Lawrence, Jones of Hot Spring, Jernigin, Logan, Macon, Miller, Montgomery, Neale, Norsworthy, Nunn, Poe, Powel, Primm, Ramsey, Rector, Redmond, Rice, Smithson, Stringfellow, Terry, Tuley, Williams, Wilson and Witt—38.

So the motion to lay on the table failed.

Mr. Williams offered to amend said bill, by striking out all that portion which "gives the company power to select other lands in this State in lieu of any swamp and overflowed lands that have been sold by the State."

Which was adopted.

Mr. Bruton moved to suspend the rules, in order to have said bill read a third time.

Which motion was lost.

Mr. Desha made the following report:

Mr. Speaker:

The committee on the judiciary, to whom was referred House bill No. 390, entitled "an act to amend the laws of this State, regulating the sale and forfeiture of the 500,000 acre lands," have considered the same and recommend its passage.

DESHA, *Chairman.*

On motion of Mr. Desha, the rules were suspended, said bill reported above, read a third time and passed.

Mr. Desha further reported upon House bill No. 337, entitled "an act to prevent injuries to public buildings and church houses," and recommend its passage.

The same committee also recommended the passage of House bill No. 377, entitled "an act concerning receivers," and the rejection of House bill No. 376, entitled "an act to regulate public advertisements in certain cases."

Mr. Stringfellow made the following report:

Mr. Speaker:

The select committee to whom was referred Senate bill No. 114, entitled "an act for the relief of George & Robins," have considered the same, and with the following amendment, recommend its passage: Amend, by deducting "$825 00 from the amount proposed to be appropriated to said George & Robins."

STRINGFELLOW, *Chiarman.*

Mr. Tuley was called to the chair.

Mr. Powel asked and obtained leave of absence for Mr. Thorn.

Mr. Ederington asked and obtained leave to introduce House bill to be entitled "an act concerning common schools in the counties of Pulaski, Izard, Fulton, Marion, Searcy, Bradley and Van Buren."

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second and third time and passed.

Mr. Matthews made the following report:

Mr. Speaker:

The special committee, to whom was referred Senate bill No. 122, to be entitled "an act to amend an act entitled an act revising the common school system of the State of Arkansas, approved January 11th, 1853," have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House, without amendment, and recommend its passage.

MATTHEWS, *Chairman.*

On motion of Mr. Matthews, the rules were suspended, the bill read a third time and passed.

On motion, of Mr. Flippin, House bill No. 234, to be entitled "an act regulating fees of justices of the peace," was taken up.

Mr. Butts moved to lay said bill on the table.

Which motion was lost, and the bill read a third time and passed.

Mr. Gregg called up House bill No. 112, to be entitled "an act to incorporate the Western Arkansas Mining Company."

Which was read a third time and passed.

On motion of Mr. Guice, Senate bill No. 128, to be entitled "an act for the relief of Alexander George and John Robins, of Little Rock," was taken up, and the amendments reported this morning to said bill, were adopted, the rules suspended, the bill as amended, read a third time and passed.

The committee on enrollments asked and obtained leave of absence a short time, for the purpose of examining certain bills.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have carefully examined "an act to amend in part the 16th chapter of the Digest, under the head of attachments before justices of the peace."

"An act to enclose gin houses in Johnson and Jefferson counties, and for other purposes."

"An act to amend section 112, chapter 4, of the Digest."

"A resolution instructing our delegation in Congress to use their influence to establish a weekly horse mail from Fort Smith to Fort Washita."

"An act for the relief of L. D. Sutton, of Independence county."

"A resolution appointing a committee to burn certain notes now in the Treasurer's office."

"A resolution carrying into effect a mail route from Fort Smith to Donna Anna, in New Mexico."

"An act for the relief of a portion of the citizens of Arkansas county."

"An act to amend the criminal law, under the head of Sabbath breaking."

"An act to regulate the sale of section 16, township 3 north, range 31 west, in Sebastian county."

"An act concerning the town of Fayetteville."

"An act to amend an act to grant a charter to William F. S. Barkman, to erect a toll-bridge on Bayou de Roche, approved January 2d, 1853."

"An act for the benefit of witnesses, in certain cases, in Jackson county."

"An act to authorize the making of titles in certain cases."

"An act for the relief of A. J. Bowen, late sheriff of Newton county."

"An act to provide for building a public bridge across Vache Grass creek in Sebastian county, in this State."

"An act to change the time of holding the circuit court of Perry county."

"An act to amend section 15, of chapter 71, of the Digest of the Statutes of this State."

"An act to call in the scrip of Crawford county."

"An act to legalize and confirm the acts of William Black, township commissioner, and for other purposes."

"A joint resolution of the General Assembly of the State of Arkansas, setting forth the rights of the South, under the constitution, and denying the right of Northern free-soilers and abolitionists to interfere with the subject of Southern slavery."

"A joint resolution of the General Assembly, instructing our Senators and requesting our Representatives in Congress to use their best efforts to procure the establishment of a mail route from Napoleon to Florence, in the county of Desha, to be carried on horse back, once a week."

"An act concerning the Jennings' Falls Manufacturing Company."

"An act to authorize the sale of choses in action, by executors and administrators, in certain cases."

"An act to pay for the printing and binding of the 14th volume, and the printing of the 15th volume, of the decisions of the supreme court of this State."

"An act to repeal a part of the 22d section, of chapter 69, of the Digest of the Statutes of this State."

"A joint resolution of the General Assembly of the State of Arkansas, relative to and condemnatory of the release of one Abner E. Thornton, a fugitive from justice, and who was demanded by his excellency Governor Conway."

And have instructed me to report the same as correctly enrolled.

HOLMES, *Chrairman.*

EVENING SESSION, 2½ o'clock.

The House convened.

Mr. Powel was called to the chair.

The following message was received from his excellency the Governor, by the hands of R. H. Johnson, esq.:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 18th day of January, 1855, he approved and signed "an act to amend the road law."

"An act for the relief of John H. Byers."

"An act to change the time of holding the probate court in and for the county of White."

"An act to attach a portion of Lawrence county to the county of Fulton, and to attach a portion of Fulton to the county of Marion."

"An act to authorize Benjamin F. Danley to erect and keep a toll-bridge across Palarm creek."

"An act for the relief of John E. Smith, sheriff of Columbia county."

"An act to incorporate the president and trustees of the Bluff Spring Male and Female Academy."

"An act to incorporate the Little Rock Lumber and Manufacturing Company."

"An act to incorporate the Perkins Institute in the town of Smithville, Lawrence county."

And that on the 19th day of January, 1855, he approved and signed "an act for building a public bridge across Petit Jean creek, in Scott county, in this State.

"An act fixing the line of the Little Rock and Fort Smith Branch of the Cairo and Fulton railroad, and granting the lands donated by Congress to the State in aid thereof."

"An act supplemental to an act entitled an act to aid in the construction of the eastern branch of the Cairo and Fulton railroad and adopt the Memphis and Little Rock plank or railroad survey as said eastern branch."

"An act to protect the interests of this State."

"An act concerning the bank of the State of Arkansas."

And "an act to authorize the county courts of the counties of Jackson, Crawford, Pope, Lafayette, Phillips, Crittenden, Monroe, Columbia and Pulaski to levy a road tax, and for other purposes."

R. H. JOHNSON,
Private Secretary.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to announce to your honorable body that the Senate have passed "an act to enable the Governor to execute deeds to swamp and overflowed lands, after such lands shall have been patented by the United States, to the State of Arkansas."

Which is herewith transmitted for your assent.

W. L. D. WILLIAMS,
Sec'y Senate.

The following was also received:

Mr. Speaker:

I am directed to present for your honor's signature "an act to aid in the construction of the eastern branch of the Cairo and Fulton railroad, and to adopt the Memphis and Little Rock plank or railroad survey as said eastern branch."

Also, a memorial to the Congress of the United States, asking for a grant of lands to aid in the construction of a Western Border railroad, from St. Louis along the western border of Arkansas, to the Texas boundary.

The Senate recede from all their amendments to the bill of the House, entitled "an act making appropriations for the years 1855 and 1856, and port of the year 1854, and for balances due from the State," except the amendment to the 33d section, to which they adhere, and which is returned for your consideration.

The Senate have adopted the following:

Resolved by the Senate, the House concurring, That the two Houses meet in joint convention, in the Representative's hall, to-morrow, at 11 o'clock, A. M., for the purpose of electing a State Printer.

Which is herewith transmitted for your concurrence.

W. L. D. WILLIAMS,
Sec'y Senate.

Mr. Hill introduced House bill No. 400, to be entitled "an act supplemental and amendatory of an act to aid in the construction of the Cairo and Fulton railroad," approved January 16th, 1855.

Which was read a first time.

On motion of Mr. Hill, the rules were suspended, the bill read a second and third time, and

On motion of Mr. Desha, laid on the table till the 4th of July.

Mr. Baxter suspended the rules of the House by motion, and called up Senate joint resolution proposing to go into the election of swamp land officers and State printer this afternoon at 4 o'clock.

Which, on motion of Mr. Holmes, was laid on the table till the 4th of July.

Mr. Wood asked and obtained leave of absence for Mr. Hockersmith.

Mr. Holmes called up House bill No. 293, to be entitled "an act to exempt church and school property from taxation."

Mr. Rector moved to amend said bill as follows:

And be it further enacted, That nothing herein shall be so construed as to exempt the property referred to, over and above a value of twenty thousand dollars.

Mr. Butts moved to lay said bill, with the amendments thereto, on the table till the 4th of July.

Mr. Rector called for the ryes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Austell, Barton, Beall, Beck, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Desha, Douglas, Edmondson, Ederington, Flippin, Gregg, Haggin, Hill, Jacoway, Johnson, Leslie, Macon, Matthews, Miller, Montgomery, Moulden, Newton, Patterson, Powel, Primm, Ramsey, Redmond, Stillwell, Tuley, Wilson, Witt, Wood and Mr. Speaker—38.

Those members who voted in the negative, are

Messrs. Allen, Bishop, Brown, Cannon, Guice, Holmes, Hunter, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Morton, Neale, Norsworthy, Nunn, Poe, Puryear, Rector, Smithson and Williams—22.

So said motion prevailed.

Mr. Wood introduced House bill to be entitled "an act to change the name of Josiah Summers to that of Josiah Brooks, and to constitute him a lawful heir of Josiah Brooks.

Which was read a first time.

On motion of Mr. Wood, the rules were suspended, the bill read a second and third time and passed.

Mr. Hunter called up Senate bill No. 138, to be entitled "an act to authorize the Governor to execute deeds for swamp and overflowed lands."

Which was read a first time.

On motion of Mr. Hunter, the rules were suspended, the bill read a second time, and on further motion of Mr. Speaker, the rules were again suspended, the bill read a third time and passed.

Mr. Jacoway called up Senate bill No. 119, to be entitled "an act in relation to the Mississippi, Ouachita and Red river railroad company."

Which was read a first time.

On motion of Mr. Jacoway, the rules were suspended, the bill read a second and third time and passed.

Mr. Johnson made the following report:

Mr. Speaker:

The standing committee on claims, to whom was referred the petition of David Hollingshead and J. M. Jackson, have had the same under consideration, and have instructed me to report the same back to the House, and ask to be discharged from further consideration of the same.

The same committee, to whom was referred Senate bill No. 128, to be entitled "an act for the relief of William W. Moore, Hardiman Greer, William H. Wells, Henry S. Hudspeth and William Nichols of Drew county, have duly considered the same, and have unanimously instructed me to report the same back to the House and recommend its rejection.

JOHNSON, *Chairman.*

Both of which reports were, on motion of Mr. Wood, adopted.

Mr. Jones of Conway, called up House bill No. 384, to be entitled "an act to incorporate the Crystal State Company," which was read a third time and passed.

Mr. Jones of Desha, introduced House bill to be entitled "an act to enable the Little Rock and Napoleon railroad company to construct their, levees, embankments and road bed."

Which was read a first time.

On motion of Mr. Desha, the rules were suspended, and the bill read a second time.

The appropriation bill for the years 1855 and 1856, and part of the year 1854, was taken up, and the amendments of the Senate, as follows, concurred in:

1st section, by striking out "$6,000," and insert "$5,000."
2d section, by striking out "$3,000," and insert "$2,009."
4th seetion, by striking out "$1,000," and insert "$500."
11th section, by striking out "$900," and insert "$800."
15th section, by striking out "$1,200," and insert "$900."
16th section, by striking out "$5,000," and insert "$4,000."
18th section, by striking out "$2,000," and insert "$1,000."

22d section, by striking out "$150," and insert "$200."

By adding to 34th section, "for every day the supreme court shall be in session."

By inserting "superintendent" in lieu of "architect," in section —.

To pay B. F. Danley, for arresting A. E. Thornton, $200; and to pay Alexander Fry, doorkeeper of the Senate, for extra labor, $100; and to section —, in regard to the pay of special judges.

The House refused to concur to sundry other amendments to said bill from the Senate, and from which the Senate receded.

Upon a motion to concur in the above amendment in regard to the pay of special judges, Mr. Wood called for ayes and nays, which call being sustained, the roll was called.

Those members who voted in the affirmative, are

Messrs. Barton, Baxter, Bishop, Brown, Burgess, Byrne, Cannon, Desha, Edmondson, Gregg, Guice, Haggin, Hunter, Macon, Moulden, Neale, Nunn, Patterson, Poe, Powel, Rector, Redmond, Rice, Terry and Wilson—27.

Those members who voted in the negative, are

Messrs. Beck, Bruton, Bunch, Butts, Calvert, Douglas, Ederington, Flippin, Jacoway, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Leslie, Logan, Matthews, Miller, Newton, Primm, Puryear, Ramsey, Smithson, Tuley, Wood and Mr. Speaker—24.

Mr. Jones of Conway, presented the report of the internal improvement commissioner of Conway county.

Which, on motion, was referred to the committee on internal improvements.

On motion of Mr. Wood, the House took a recess until 6½ o'clock, P. M.

NIGHT SESSION, 6½ o'clock.

The House convened.

On motion of Mr. Jones of Lawrence, House bill No. 216, entitled "an act for the relief of Jacob G. Robins, late sheriff of White county," was taken up, read a third time and passed.

Mr. Jernigin introduced a bill entitled "an act in relation to the bond of common school commissioners of Polk county."

Which was read a first time.

On motion of Mr. Jernigin, the rules were suspended, the bill read a second and third time and passed.

On motion of Mr. Leslie, House bill No. 280, entitled "an act to repeal in part an act regulating the landed interest of this State," was taken up, read a third time and passed.

On motion of Mr. Logan, House bill No. 380, entitled "an act to attach a part of Sebastian county to Scott county," was taken up.

Mr. Redmond moved to lay said bill on the table till the 4th of July.

Which motion was lost.

The following message was received from the Senate:

Mr. Speaker:

The Senate have adopted a joint resolution to go into the election of three swamp land commissioners and five swamp land agents, this evening at 7½ o'clock, to which the concurrence of the House is respectfully.

W. L. D. WILLIAMS,
Secretary Senate.

On motion of Mr. Speaker, the above reported resolution from the Senate was concurred in, and the Senate informed that the hall of the House was in readiness to receive them, for the purpose of going into said above elections for swamp land officers.

The Senate now appeared within the hall of the House and were seated.

Mr. President announced that the object of the convention of the two Houses was to elect three swamp land commissioners and five swamp land agents, in accordance with a joint resolution heretofore adopted by the two Houses for that purpose.

Nominations being in order for swamp land commissioners,

Mr. Guice nominated James H. Hobbs of Benton county.
" Speaker nominated Mr. Shultz, of Desha county.
" *——— nominated Mr. Williams, of Hempstead county.
" ——— nominated Mr. Haroldson, of St. Francis county.
" ——— nominated Mr. Dobson, of St. Francis county.
" Butts nominated Mr. Floyd, of Johnson county.
" ——— nominated Mr. Moore, of White county.
" ——— nominated Mr. Quail, of Pulaski county.
" ——— nominated Mr. Noland, of Independence county.
" ——— nominated Mr. Morgan, of Drew county.
" ——— nominated Mr. Robinson, of Jackson county.
" ——— nominated Mr. Lester, of Green county.
" ——— nominated Mr. Saffold, of Independence county.
" ——— nominated Mr. Shawl, of Jackson county.
" ——— nominated Mr. Wood, of Hot Spring county.
" Rice, by request, nominated Mr. Hardy, of Clark county.
" ——— nominated Mr. Hutt, of Pulaski county.

No further nominations being made, the roll was called, when the following members voted for Mr. Hobbs, to wit:

Messrs. Allen, Austell, Barton, Baxter, Beall, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Cannon, Desha, Douglas, Edmondson, Ederington, Flippin, Gregg, Guice, Haggin, Hill, Holmes, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Newton, Norsworthy, Patterson, Poe, Powel, Primm, Ramsey, Red-

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*There was so much noise and confusion while the nominations were being made, that it was utterly impossible for the clerks to ascertain by whom the different candidates were nominated.
JAMES H. HOBBS,
Clerk House of Reps.

mond, Rice Smithson, Stillwell, Stringfellow, Terry, Wilson, Witt, Wood and Mr. Speaker—56.

Those members voting for Mr. Moore, are

Messrs. Flippin, Jones of Conway, Jernigin and Terry—4.

Those members voting for Mr. Quail, are

Messrs. Allen, Austell, Bishop, Burgess, Byrne, Butts, Douglas, Guice, Haggin, Hill, Holmes, Jacoway, Johnson, Jones of Conway, Jernigin, Leslie, Logan, Morton, Neale, Norsworthy, Ramsey, Stringfellow, Terry, Williams and Witt—25.

Those members voting for Mr. Noland, are

Messrs. Barton, Baxter, Beck, Cannon, Desha, Edmondson, Flippin, Moulden, Neale, Nunn, Powel, Puryear, Smithson, Stillwell and Witt—15.

Those voting for Mr. Morgan, are

Messrs. Allen, Calvert, Ederington, Guice and Holmes—5.

Those voting for Mr. Hutt, are

Messrs. Beall, Bruton, Calvert, Edmondson, Jones of Hot Spring, Jones of Lawrence, Leslie, Logan, Macon, Morton, Nunn, Poe, Rector, Redmond and Witt—15.

Those voting for Mr. Dobson, are

Messrs. Allen, Barton, Baxter, Brown, Calvert, Hunter, Jacoway, Macon, Matthews, Newton, Norsworthy, Primm, Puryear, Rice and Mr. Speaker—15.

Those voting for Mr. Floyd, are

Messrs. Bruton, Bunch, Butts, Gregg, Haggin, Hill, Johnson, Miller, Moulden, Poe, Ramsey, Smithson, Williams and Wood—14.

Those voting for Mr. Williams, are

Messrs. Bishop, Brown, Bunch, Byrne, Cannon, Desha, Hunter, Jernigin, Matthews, Miller, Montgomery, Newton, Patterson, Powel, Primm, Rice and Stringfellow—18.

Those voting for Mr. Shultz, are

Messrs. Beck, Douglas, Ederington, Jones of Desha, Puryear and Mr. Speaker—6.

Messrs. Burgess and Williams voted for Mr. Haroldson—2.

Messrs. Patterson, Redmond and Williams voted for Mr. Robinson—3.

Messrs. Hunter and Wood voted for Mr. Lester—2.

Mr. Montgomery voted for Mr. Saffold—1.

Mr. Nunn voted for Mr. Shawl—1.

Messrs. Beall, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, and Stillwell, voted for Mr. Hardy—5.

In the Senate Mr. Hobbs received 13 votes—joint vote—69.

In the Senate, Mr. Moore, received 3 votes.
" " " Quail received 7 votes.
" " " Noland received 9 votes.
" " " Morgan received 1 vote.
" " " Hutt received 2 votes.
" " " Dobson received 6 votes.
" " " Floyd received 6 votes.
" " " Williams received 5 votes.

In the Senate, Mr. Shultz received 3 votes.
" " " Haroldson received 1 vote.
" " " Robinson received 1 vote.
" " " Leslie received 1 vote.

Whereupon the President announced that James H. Hobbs, having received a majority of all the votes cast, was duly and constitutionally elected one of the swamp land commissioners for, and during the time prescribed by law.

When the convention proceeded to a second balloting.

Those members of the House who voted for Mr. Quail, are

Messrs. Allen, Austell, Bishop, Burgess, Butts, Douglas, Guice, Haggin, Hill, Holmes, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jernigin, Leslie, Logan, Morton, Neale, Ramsey, Stringfellow, Terry, Williams and Witt—25.

Those members voting for Mr. Noland, are

Messrs. Barton, Baxter, Beck, Burgess, Byrne, Desha, Edmondson, Ederington, Flippin, Gregg, Leslie, Montgomery, Morton, Moulden, Neale, Norsworthy, Nunn, Poe, Powel, Primm, Puryear, Smithson, Stillwell, Wilson and Wood—25.

Those members voting for Mr. Williams, are

Messrs. Beall, Beck, Bishop, Brown, Bunch, Byrne, Calvert, Cannon, Hunter, Jones of Desha, Jernigin, Matthews, Miller, Montgomery, Newton, Patterson, Primm, Rice, Stillwell and Stringfellow—20.

Those members voting for Mr. Hutt, are

Messrs. Beall, Bruton, Edmondson, Flippin, Haggin, Jones of Hot Spring, Jones of Lawrence, Logan, Macon, Nunn, Rector, Redmond, Williams, Witt and Mr. Speaker—15.

Those members voting for Mr. Morgan, are

Messrs. Allen, Edmondson, Guice and Holmes—4.

Those voting for Mr. Floyd, are

Messrs. Bruton, Bunch, Butts, Desha, Gregg, Hill, Johnson, Miller, Moulden, Poe, Ramsey, Williams and Wood—13.

Messrs. Patterson and Redmond voted for Mr. Robinson.

Messrs. Jones of Conway, Jones of Lawrence and Terry, voted for Mr. Moore.

Those members voting for Mr. Dobson, are

Messrs. Austell, Barton, Baxter, Brown, Calvert, Cannon, Hunter, Jacoway, Macon, Matthews, Newton, Norsworthy, Powel, Puryear, Rice, Smithson and Mr. Speaker—17.

Mr. Douglas voted for Mr. Dickson.

No candidate having received a majority of all the votes cast, the convention proceeded to a third ballot.

Those members of the House who voted for Mr. Quail, are

Messrs. Allen, Austell, Bishop, Brown, Bunch, Burgess, Butts, Calvert, Douglas, Ederington, Guice, Haggin, Hill, Holmes, Johnson, Jones of Conway, Jones of Desha, Jernigin, Logan, Miller, Morton, Neale, Norsworthy, Poe, Ramsey, Rector, Redmond, Stringfellow, Terry, Williams, Wilson and Witt—32.

Those members who voted for Mr. Noland, are

Messrs. Barton, Baxter, Beck, Bruton, Burgess, Desha, Edmondson, Ederington, Flippin, Hunter, Jones of Lawrence, Leslie, Montgomery, Morton, Moulden, Neale, Nunn, Patterson, Poe, Powel, Puryear, Smithson, Stillwell, Wilson, Witt and Wood—26.

Those members of the House who voted for Mr. Williams, are

Mesrrs. Allen, Beall, Beck, Bishop, Brown, Bruton, Bunch, Byrne, Cannon, Desha, Flippin, Gregg, Guice, Hill, Holmes, Hunter, Jacoway, Jones of Desha, Jones of Hot Spring, Jernigin, Macon, Matthews, Miller, Montgomery, Newton, Patterson, Powel, Redmond, Rice, Stillwell, Stringfellow, Terry and Wood—33.

Those members of the House who voted for Mr. Hutt, are

Messrs. Beall, Butts, Edmondson, Haggin, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Leslie, Logan, Nunn, Rector, Williams and Mr. Speaker—14.

Those members who voted for Mr. Dobson, are

Messrs. Austell, Barton, Baxter, Byrne, Calvert, Cannon, Gregg, Jacoway, Macon, Matthews, Moulden, Newton, Norsworthy, Puryear, Ramsesy, Rice and Smithson—17.

In the Senate Mr. Quail received 9 votes.

In the Senate Mr. Noland received 11 votes.

In the Senate Mr. Williams received 9 votes.

In the Senate Mr. Hutt received 3 votes.

In the Senate Mr. Dobson received 9 votes.

Joint vote for Mr. Williams, 42.

Whereupon, Mr. President announced that Daniel E. Williams, having received a majority of all the votes cast, was duly and constitutionally elected one of the swamp land commissioners, for the State of Arkansas, for and during the time prescribed by law.

The convention now proceeded to ballot a 4th time.

Those members who voted for Mr. Quail, are

Messrs. Allen, Austell, Beall, Bishop, Brown, Butts, Calvert, Douglas, Guice, Haggin, Hill, Holmes, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jernigin, Leslie, Logan, Macon, Ramsey, Rector, Redmond, Stringfellow, Terry and Williams—25.

Those members who voted for Mr. Noland, are

Messrs. Barton, Baxter, Beck, Bruton, Burgess, Byrne, Cannon, Desha, Edmondson, Ederington, Flippin, Gregg, Hunter, Jones of Lawrence, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Norsworthy, Nunn, Patterson, Poe, Powel, Puryear, Smithson, Stillwell, Wilson, Witt, Wood and Mr. Speaker—32.

Messrs. Bunch, Jacoway and Rice, voted for Mr. Dobson—3.

In the Senate Mr. Quail received 5 votes.

In the Senate Mr. Noland received 10 votes.

In the Senate Mr. Dobson received 4 votes.

Mr. Noland received upon joint Ballot 42 votes.

Whereupon, the President announced that Mr. C. F. M. Noland, having received a majority of all the votes cast, was duly and constitutionally elected one of the swamp land commissioners for the State of Arkansas, for and during the time prescribed by law.

Mr. President announced that the next thing in order was nominations for swamp land agent, for the Helena district, and that nominations were in order.

Mr. Hanley, of the Senate, nominated Mr. Jesse A. Jackson.

No further nomination being made, the roll was called, when the following members voted for Mr. Jackson:

Messrs. Allen, Austell, Barton, Baxter, Beall, Bishop, Brown, Bruton, Bunch, Burgess, Butts, Byrne, Calvert, Cannon, Desha, Edmondson, Ederington, Flippin, Gregg, Guice, Hill, Holmes, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Leslie, Logan, Macon, Matthews, Miller, Montgomery, Morton, Moulden, Neale. Newton, Norsworthy, Nunn, Patterson, Poe, Powel, Puryear, Ramsey, Rector, Redmond, Rice, Smithson, Terry, Wilson, Williams, Witt and Mr. Speaker—56.

Mr. Stillwell voted for Mr. Butts.

Mr. Stringfellow voted for Toad Johnson.

Mr. Wood voted for Mr. Stillwell.

In the Senate Mr. Jackson recieved 19 votes—joint vote 75.

Whereupon, the President announced that Mr. Jackson, having received a majority of all the votes cast, was duly elected swamp land agent for the Helena district, for and during the time prescribed by law.

Nominations were now in order for swamp land agent for the Jacksonport district.

Mr. Keith, of the Senate, nominated Mr. Sylva.

Mr. Jones, of the Senate, nominated Mr. A. R. Jones.

Mr. Morton nominated Mr. A. B. Bowen.

Mr. Williams nominated Mr. J. H. Qusenbury.

Mr. Hunter nominated Mr. John McCoy.

Mr. Montgomery nominated Mr. C. W. Board.

Mr. Jones of Lawrence, nominated Mr. Anderson.

No further nominations being made, the roll was called.

The following members voted for Mr. Board, to wit:

Messrs. Austell, Baxter, Beck, Bunch, Cannon, Ederington, Gregg, Hill, Montgomery, Newton, Patterson, Powel and Witt —13.

Those voting for Mr. Sylva, are

Messrs. Bishop, Burgess, Calvert, Flippin, Leslie, Macon, Matthews, Neale, Puryear, Redmond, Smithson and Stringfellow—12.

Those voting for Mr. Anderson, are

Messrs. Allen, Beall, Brown, Butts, Byrne, Edmondson, Holmes, Jacoway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Logan, Miller, Norsworthy, Nunn, Poe, Rector, Rice and Mr. Speaker—19.

Messrs. Barton and Desha voted for Mr. Jones.

Those members voting for Mr. Norman, are

Messrs. Bruton, Guice, Johnson, Jones of Conway, Jernigin, Morton, Moulden, Ramsey, Stillwell, Terry, Wilson and Wood —12.

Mr. Hunter voted for Mr. McCoy.

Mr. Williams voted for Mr. Qusenbury.

None of the candidates having received a majority of all the votes cast, there was no election.

On motion, the convention took a recess till to-morrow morning 9 o'clock.

SATURDAY, 9 o'clock, A. M.

The convention convened, and after the names of Messrs. Jones, McCoy and Qusenbury, were withdrawn, proceeded to ballot a second time for swamp land agent, for the Jacksonport district.

Those members voting for Mr. Sylva, are

Messrs. Burgess, Calvert, Flippin, Jones of Desha, Leslie, Macon, Neale, Poe, Puryear, Redmond, Smithson, Stringfellow and Tuley—13.

Those members voting for Mr. Anderson, are

Messrs. Allen, Beall, Brown, Butts, Desha, Edmondson, Ederington, Guice, Jocoway, Jones of Hot Spring, Jones of Lawrence, Logan, Moulden, Nunn, Powel, Rector, Rice and Mr. Speaker—18.

Those members voting for Mr. Norman, are

Messrs. Bruton, Jones of Conway, Johnson, Jernigin, Morton, Terry, Williams, Wilson and Wood—9.

Those members voting for Mr. Board, are

Messrs. Austell, Barton, Bishop, Bunch, Byrne, Gregg, Haggin, Hill, Hunter, Matthews, Montgomery, Newton, Norsworthy, Patterson, Primm, Ramsey, Stillwell and Witt—18.

None of the candidates having received a majority of all the votes cast, the convention proceeded to another balloting.

Mr. Morton withdrew the name of Mr. Norman.

The convention now proceeded to ballot a third time for said office.

Those members of the House who voted for Mr. Sylva, are

Messrs. Burgess, Jones of Conway, Jones of Desha, Leslie, Macon, Neale, Puryear, Redmond, Stringfellow, Terry and Tuley —11.

Those members who voted for Mr. Anderson, are

Messrs. Allen, Barton, Beall, Desa, Edmondson, Guice, Jacoway, Johnson, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Morton, Moulden, Nunn, Poe, Rector, Wood and Mr. Speaker—19.

Those members who voted for Mr. Board, are

Messrs. Austell, Bishop, Brown, Bruton, Bunch, Butts, Byrne, Calvert, Ederington, Flippin, Gregg, Haggin, Hill, Hunter, Matthews, Montgomery, Newton, Norsworthy, Patterson, Primm, Ramsey, Rice, Smithson, Stillwell, Williams, Wilson and Witt—27.

None of the candidates having received a majority of all the votes cast, the convention proceeded to ballot a fourth time.

Those members who voted for Mr. Sylva, are

Messrs. Burgess, Jones of Conway, Macon, Puryear, Redmond, Stringfellow, Terry and Tuley—9.

Those members who voted for Mr. Anderson, are

Messrs. Allen, Barton, Beall, Desha, Edmondson, Guice, Jacoway, Jones of Desha, Jones of Lawrence, Jernigin, Leslie, Logan, Morton, Moulden, Nunn, Poe, Rector, Wood and Mr. Speaker—20.

Those members of the House who voted for Mr. Board, are

Messrs. Austell, Bishop, Brown, Bruton, Bunch, Butts, Byrne, Calvert, Ederington, Flippin, Gregg, Haggin, Hunter, Jones of Hot Spring, Matthews, Montgomery, Newton, Norsworthy, Patterson, Primm, Ramsey, Rice, Smithson, Stillwell, Williams, Wilson and Witt—27.

In the Senate Mr. Sylva received 4 votes.

In the Senate Mr. Anderson received 2 votes.

In the Senate Mr. Board received 11 votes.

Joint vote for Mr. Board, 38 votes.

Whereupon, the President announced that Mr. Board, having received a majority of all the votes cast, was duly elected swamp land agent for the Jacksonport district, for and during the time prescribed by law.

Mr. President announced that nominations for land agent for the Dardanelle district were in order.

Mr. Hanley, of the Senate, nominated John I. Stirman.
" Poe nominated Charles E. Tobey.
" Logan nominated W. B. Young.
" Barkman, of the Senate, nominated T. B. Moon.
" Nunn nominated John A. Jacoway.

No further nominations being made, the roll was called, when the following members of the House voted for Mr. Stirman, to wit:

Messrs. Bishop, Brown, Bunch, Desha, Ederington, Gregg, Haggin, Jones of Conway, Leslie, Montgomery, Moulden, Nunn, Smithson, Wilson and Witt—15.

Those members of the House who voted for Mr. Jacoway, are

Messrs. Allen, Austell, Barton, Beall, Byrne, Hill, Hunter, Jacoway, Johnson, Jones of Desha, Jones of Hot Spring, Macon, Matthews, Newton, Norsworthy, Patterson, Primm, Puryear, Rector, Redmond, Rice, Stillwell, Stringfellow, Tuley, Williams, Wood and Mr. Speaker—27.

Those members of the House who voted for Mr. Tobey, are

Messrs. Burgess, Calvert, Guice, Jernigin, Logan, Miller, Morton and Terry—8.

Those members voting for Mr. Young, are

Messrs. Bruton, Butts, Flippin, Jones of Lawrence, Poe and Ramsey—6.

Mr. Edmondson voted for Mr. Moon.

None of the candidates receiving a majority of all the votes cast, consequently there was no election.

Mr. Poe withdrew the name of Mr. Young.

" Logan withdrew the name of Mr. Tobey.

Mr. Barkman, of the Senate, withdrew the name of Mr. Moon.

The convention now proceeded to ballot a second time.

Those members of the House who voted for Mr. Jacoway, are

Messrs. Allen, Austell, Barton, Beall, Bruton, Burgess, Byrne, Calvert, Desha, Edmondson, Flippin, Haggin, Hill, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Macon, Matthews, Miller, Montgomery, Neale, Newton, Norsworthy, Nunn, Patterson, Poe, Primm, Puryear, Ramsey, Rector, Redmond, Rice, Stillwell, Stringfellow, Tuley, Williams, Wood and Mr. Speaker—44.

Those members voting for Mr. Stirman, are

Messrs. Bishop, Brown, Bunch, Butts, Ederington, Gregg, Guice, Leslie, Morton, Moulden, Powel, Smithson, Wilson and Witt—14.

In the Senate Mr. Jacoway received 7 votes.

In the Senate Mr. Stirman received 12 votes.

Upon joint ballot, Mr. Jacoway received 51 votes.

Whereupon, the President announced that Mr. Jacoway, having received a majority of all the votes cast, was duly elected swamp land agent for the Dardanelle district, for and during the time prescribed by law.

Mr. President announced that nominations for the Pine Bluff district were in order.

Mr. Barton nominated I. C. Mills.

" Tuley nominated David W. Carroll.

" Furgeson, of the Senate, nominated W. C. Hurley.

No further nominations being made, the roll was called, when Mr. Mills received the votes of the following members, to wit:

Messrs. Allen, Austell, Barton, Beall, Bishop, Bruton, Bunch, Burgess, Byrne, Calvert, Desha, Edmondson, Ederington, Flippin, Gregg, Guice, Haggin, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Hot Spring, Jones of Lawrence, Jernigin, Logan, Matthews, Miller, Montgomery, Morton, Moulden, Neale, Norsworthy, Nunn, Patterson, Poe, Powel, Primm, Puryear, Ramsey, Redmond, Rice, Smithson, Stillwell, Stringfellow, Terry, Wilson, Witt and Wood—48.

Messrs. Brown, Jones of Desha, Leslie, Rector and Mr. Speaker voted for Mr. Carroll—5.

Messrs. Butts, Hill, Newton and Tuley, voted for Mr. Hurley —4.

In the Senate Mr. Mills received 10 votes.

In the Senate Mr. Carroll received 5 votes.

In the Senate Mr. Hurley received 4 votes.

Upon joint ballot, Mr. Mills received 58 votes.

Whereupon, the President announced that Isaac C. Mills, having received a majority of all the votes cast, was duly elected swamp land agent for the Pine Bluff district, for and during the time prescribed by law.

Mr. President announced that nominations for swamp land agent for the Washington district, were in order.

Mr. Byrne nominated B. F. Hempstead.

Mr. Barkman, of the Senate, nominated James Purdom.

No further nominations being made, the roll was called.

Those members who voted for Mr. Hempstead, are

Messrs. Allen, Austell, Bishop, Bruton, Burgess, Byrne, Calvert, Desha, Edmondson, Ederington, Flippin, Guice, Haggin, Hill, Hunter, Jacoway, Johnson, Jones of Conway, Jones of Desha, Jones of Hot Spring, Jones of Lawrence, Logan, Miller, Moulden, Neal, Norsworthy, Nunn, Patterson, Poe, Powel, Primm, Puryear, Rector, Smithson, Stillwell, Stringfellow, Tuley, Williams, Wilson, Wood and Mr. Speaker—41.

Those members who voted for Mr. Purdom, are

Messrs. Barton, Beall, Brown, Bunch, Butts, Gregg. Jernigin, Leslie, Macon, Matthews, Montgomery, Morton, Newton, Ramsey, Redmond and Witt—16.

In the Senate Mr. Hempstead received 13 votes.

In the Senate Mr. Purdom received 5 votes.

Upon joint ballot, Mr. Hempstead received 54 votes.

Whereupon, Mr. President announced that Mr. Hempstead, having received a majority of all the votes cast was duly elected swamp land agent for the Washington district, for and during the time prescrived by law.

The object of the convention of the two Houses having been accomplished, the Senate retired to their chamber.

The following message was received from his Excellency, the Governor, by the hands of R. H. Johnson, esq.:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 15th January, 1855, he approved and signed "an act concerning the town of Fayetteville."

"An act to regulate the sale of section sixteen, in township three north, of range thirty-one west, in Sebastian county."

"An act to amend the criminal law of this State, under the head of Sabbath breaking."

"An act to repeal part of twenty-second section of chapter sixty-nine, of the Digest of the Statutes of this State."

"An act for the relief of a portion of the citizens of Arkansas county."

"An act to authorize the sale of choses in action by executors and administrators, in certain cases."

A resolution relative to the mail route from Fort Smith, in Arkansas, to Don Anna, in New Mexico.

A resolution instructing our Senators and requesting our Representatives in Congress to use their best efforts in having established a mail route from Napoleon to Florence, in Desha county, Arkansas, to be carried on horse back once a week.

A resolution concerning the rights of the southern States under the constitution, and approving the doctrine of noninterference by Congress with slavery, alike in the States and Territories.

A resolution providing for the appointment of a joint committee by the Senate and House of Representatives, and making it the duty of said committee to burn the notes of the Bank of the State of Arkansas, now in the State Treasurer's office, and the bonds of this State which had been issued but never been sold, and to cancel the bonds and coupons received from the securities of Samuel Adams.

"An act to authorize the making of titles in certain cases."

"An act concerning the Jennings' Falls Manufacturing Company."

"An act to pay for the printing and binding of the fourteenth volume and the printing of the fifteenth volume of the supreme court reports of this State."

"An act for the benefit of witnesses in certain cases, in the county of Jackson."

"An act to amend an act entitled an act to grant a charter to William F. S. Barkman, to erect a toll bridge on Bayou De Roche," approved January 2d, 1851.

"An act to provide for building a public bridge across Vache Grass creek, in Sebastian county in this State."

"An act to change the time of holding the circuit court of Perry county."

"An act to call in the scrip of Crawford county."

"An act to amend section 15, of chapter 71, of the Digest of the Statutes of this State."

"An act to legalize and confirm the acts of William Black, township commissioner, and for other purposes."

"An act for the relief of L. D. Sutton, of Independence county, Arkansas."

"An act for the relief of A. J. Boen, late sheriff of Newton county."

"An act to amend section 112, of chapter 4, of the Digest."

"An act to enclose gin houses in Johnson and Jefferson counties, and for other purposes."

"An act to amend in part the sixteenth chapter of the Digest of the Statutes of the State of Arkansas, under the head of attachments before justices of the peace.

A resolution instructing our Senators and requesting our Representatives in Congress to use their influence to have a semiweekly horse mail established from Fort Smith, Arkansas, by the

Choctaw agency, Perryville and Boggy Depot, to Fort Washita, in the Choctaw Nation, and a joint resolution condemnatory of the proceedings of the supreme court of the State of Texas, in releasing Abner E. Thornton from the custody of the officer who, by authority of a warrant issued by the Governor of Texas, had arrested said Thornton as a fugitive from justice, and indicted in this State for the crime of forgery, and demanded by the Governor of the State of Arkansas from the Governor of the State of Texas.

R. H. JOHNSON,
Private Sec'y.

Mr. Redmond presented the report of the internal improvement commissioner of Monroe county.

Mr. Haggin presented the report of the internal improvement commissioner of Carroll county—both of which were referred to the committee on internal improvements.

The following message was received from the Senate:

Mr. Speaker:

I have the honor to inform your honorable body that the Senate have assented to House bill No. 286, to be entitled "an act amendatory of an act entitled an act concerning forfeited lands, and for other purposes," approved 11th January, 1851.

Also to House bill No. 396, entitled "an act concerning common schools in the counties of Pulaski, Izard, Fulton, Marion, Searcy, Bradley and Van Buren."

Also to House bill No. 386, entitled "an act prescribing the mode of procedure in obtaining the right of way for railroads in this State."

Also to House bill No. 213, to be entitled "an act amending the tax laws of this State."

Also to House bill No. 332, to be entitled "an act to prevent fraudulent issues of stock."

Also to House bill No. 321, to be entitled "an act to incorporate the town of Carrollton, in the county of Carroll, State of Arkansas."

The Sanate have concurred in House joint resolution, instructing our Senators and requesting our Representatives in Congress to endeavor to obtain a change in the present manner of carrying the mail from Little Rock to Napoleon, from a *star* bid to steam boats, three times a week, from Napoleon to Pine Bluff, and thence to Little Rock in four horse stages, three times a week.

The Senate have assented to House bill No. 391, to be entitled "an act to incorporate the Little Rock and Fort Smith Railroad Company."

Also to House bill No. 390, to be entitled "an act to amend the laws of this State in reference to the forfeiture and sale of lands belonging to the 500,000 acre grant, and for other purposes."

All of which are herewith returned.

The Senate have amended and laid on the table, House bill

No. 131, to be entitled "an act to provide for the refunding of swamp land scrip, located on unconfirmed swamp and overflowed lands, and to confirm certain irregular entries, and other purposes," until the 4th of July next.

The Senate have concurred in the amendment of the House to Senate bill No. 114, to be entitlee "an act for the relief of Alexander George and John Robins of Little Rock."

The Senate have passed Senate bill No. 139, to be entitled "an act to protect the swamp land interest in this State."

Also Senate bill No. 140, to be entitled "an act to exempt the library and riding horse of practicing physicians from sale under execution."

I present for your hono's signature, "an act revising the common school system in the State of Arkansas."

"An act to enable the Governor to make deeds to swamp and overflowed lands, after such lands shall have been patented by the United States to the State of Arkansas."

"An act to arrange the Senatorial districts and to apportion Representatives to the General Assembly among the counties."

Also "an act to amend the charter of the Arkansas Midland Railroad company."

The Senate have concurred in House bill, entitled "an act to incorporate the Crystal State Improvement Company."

The Senate have concurred in the amendment of the House to Senate resolutions touching the per diem pay of the Hon. William H. Judkins and William S. Wade, deceased.

W. L. D. WILLIAMS,
Sec'y of the Senate.

On motion of Mr. Neale, the House took a recess till 2½ o'clock, P. M.

EVENING SESSION, 2½ o'clock.

The House convened.

Mr. Rector made the following report:

Mr. Speaker:

The standing committee on internal improvements, to whom was referred House bill, entitled "an act to empower counties, cities and towns, to take stock in railroad and for other purposes," have had the same under consideration, and recommend its passage.

RECTOR, *Chairman.*

On motion of Mr. Butts, said above report, with the bill, was referred to a select committee, consisting of Messrs. Rice, Redmond, Macon, Jones of Desha, and Wilson.

Mr. Macon introduced a bill, entitled "an act concerning swamp and overflowed lands."

Which was read a first time.

On motion of Mr. Macon, the rules were suspended, and the bill read a second time.

Mr. Holmes moved to lay said bill on the table.

Which was lost.

Mr. Byrne offered the following amendment to said bill:

Amend section one, by adding the following: "Provided, that said commissioners shall not contract for more work for the reclamation of such swamp lands than the unappropriated swamp land in such district will pay for;" and, *provided furthermore*, That said board of commissioners shall have power to locate their office at such point in this State as will suit their convenience, which shall remain for the space of two years."

Which was adopted.

On motion of Mr. Rice, the rules were suspended, the bill read a third time and passed.

On motion of Mr. Matthews, Senate bill No. 33, entitled "an act to prohibit the playing certain games, and for other purposes," was taken up and read a third time and passed.

On motion of Mr. Miller, House bill No. 249, entitled "an act to increase the fees of certain officers, in the coun ies of Desha and Chicot," was taken up and Senate's amendments thereto concurred in.

On motion of Mr. Montgomery, Senate bill No. 123, entitled "an act for the relief of William E. Butts, Robert Maloney, Davis Thompson and Isham W. Wiatt, was taken up, the rules suspended, the bill read a second and third time and passed.

On motion of Mr. Morton, House bill, entitled "an act to impose additional duties on the county judges of Crawford and Sebastian counties," was taken up, and Senate amendment thereconcurred in.

Mr. Neale introduced a bill, entitled "an act to amend the revenue laws of this State."

Which was read a first time.

On motion of Mr. Neale, the rules were suspended, the bill read a second and third time and passed.

Mr. Newton presented to be spread upon the journals, a protest concerning certain expunging resolutions, which was, on motion of Mr. Gregg, referred to the committee on memorials.

On motion, the House adjourned until Monday morning, 9 o'clock.

SAMUEL MITCHELL,
Speaker Ho. of Reps.

MONDAY, *Jan.* 23*d*, 1855.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Gillam.

The journal of yesterday was read and approved.

Mr. Patterson was called to the chair.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform for honorable body, that the

Senate have assented to House bill No. 112, to be entitled "an act to incorporate the Western Arkansas Mining Company."

Which is herewith returned.

The Senate have passed Senate bill No. 142, to be entitled "an act in relation to the distribution of the acts and journals."

Which is herewith transmitted for your consideration.

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Norsworthy called up Senate bill, to be entitled "an act to provide for assessing and collecting taxes upon lands donated to this State."

Which was read a first time.

On motion of Mr. Norsworthy, the rules were suspended, the bill read a second and third time and passed.

Mr. Redmond offered the following resolution:

Resolved, That his Excellency, the Governor of the State of Arkansas, be informed that it is probable there will be no business before the House of Representatives after to-day, at 12 o'clock; that if he has any communication, the House is now ready to receive it: also, that a committee of three be raised to wait on his Excellency, for that purpose.

Which was adopted.

The chair appointed as such committe, Messrs. Redmond, Smithson and Terry.

The following message was received from the Governor:

Mr. Speaker:

I am authorized to report to the House of Representatives, that on the 20th day of January, 1855, the Governor approved and signed "an act to amend in part chapter 52, of the Digest of the Statutes of this State."

"An act better defining the line between the counties of Searcy, Van Buren and Marion."

"An act making appropriations for the years 1855 and 1856, and part of 1854, and for the balances due from the State."

R. H. JOHNSON,
Private Sec'y.

The following message was received from the Senate:

Mr. Speaker:

I am directed to present for your honor's signature, "an act for the relief of Alexander George and John Robins."

Also, an act to increase the fees of officers in Chicot county."

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to amend the laws of this State in reference to the forfeiture and sale of lands belonging to the 500,000 acre grant, and for other purposes."

"An act concerning common schools in the counties of Pulaski, Izard, Fulton, Marion, Searcy, Bradley and Van Buren."

"An act prescribing the mode of procedure in obtaining the right of way for railroads in this State," and find the same correctly enrolled.

HOLMES, *Chairman.*

Mr. Redmond made the following report:

Mr. Speaker:

The committee appointed to wait on the Governor, and ascertain whether he had any further communication to make to the General Assembly before its adjournment, have performed the duty, and have been advised by him that he is informed that there are several bills of importance before the enrolling committee which will require some further time, and that when he approves and reports such bills, he will advise the General Assembly when he has completed the legislative business before him.

REDMOND, *Chairman.*

Mr. Calvert offered the following:

Resolved, That the House of Representatives hereby tender their thanks to the Hon. Samuel Mitchell, for the able, attentive, impartial and dignified manner in which he has presided over their deliberations, during the present session.

Resolved further, That the thanks of the House of Representatives are hereby tendered to James H. Hobbs, principal, and James F. Fagan, assistant clerk, and James R. Berry, enrolling clerk, for the efficient, assiduous and indefatigable manner in which they have discharged the various duties assigned them.

Which resolutions were unanimously adopted.

Mr. Edmondson offered the following:

Resolved by the House of Representatives, That the thanks of this House are hereby tendered to J. E. Davis, principal, and Thomas Jefferson Ellmore, assistant door-keeper of this House, for their strict attention in performing their duties, as door-keepers of said House, and also the kindness and hospitality which they have on all occasions manifested towards the members.

Which was also adopted.

Mr. Wood offered the following:

Resolved, That the thanks of the House be tendered the Rev. Mr. Gillam, for the important services so effectually rendered the House of Representatives, during the present session.

Resolved further, That the thanks of this House be also tendered to A. C. Johnson, for the kind and efficient manner in which he has performed his duties as page.

Which were also adopted.

On motion, the House took a recess till 2½ o'clock.

2½ O'CLOCK, P. M.

The House convened.

Mr. Wood was called to the chair.

Mr. Flippin offered the following resolution:

Resolved, That each member of the House of Representatives be required to bring in his copy of the Revised Statutes, and lay it on the table, and the door-keeper be required to return them to the Secretary of State.

Which was adopted.

On motion of Mr. Tuley, Senate bill, entitled "an act to exempt the library and riding horse of practising physicians from sale, under execution," was taken up and read a first time.

On motion of Mr. Tuley, the rules were suspended, the bill read a second and third time and adopted.

The following message was received from the Senate:

Mr. Speaker:

I am authorized to inform your honorable body that the Senate have assented to House bill No. 282, to be entitled "an act more fully to perfect sheriffs' and collectors' bonds, and to add, in addition to other penalties forfeiture of office in certain cases.

Also, to House bill No. 280, to be entitled "an act to repeal in part an act amendatory of existing laws, regulating the landed interests of this State."

Also, to House bill, to be entitled "an act to amend the revenue laws of this State."

Also, to House bill No. 216, to be entitled "an act for the relief of Jacob G. Robbins, late sheriff of White county, Arkansas."

Also, to House bill, to be entitled "an act to change the name of Josiah Summers to that of Josiah Brooks, and to constitute him a lawful heir of Josiah Brooks."

Also, to House bill No. 401, to be entitled "an act concerning swamp and overflowed lands."

The Senate have refused to assent to House bill No. 59, to be entitled "an act to amend an act entitled an act amendatory of existing laws, regulating the landed interests of this State."

The Senate have passed Senate bill No. 143, to be entitled "an act supplemental to an act entitled an act in relation to the Mississippi, Ouachita, and Red river Railroad Company," passed at the present session of the General Assembly of the State of Arkansas.

Also, Senate bill No. 144, to be entitled "an act to amend the laws of this State, in reference to the forfeiture and sale of lands belonging to the 500,000 acre grant, and for other purposes," approved January 22d, 1855.

Which are herewith transmitted for the consideration of your honorable body.

The Senate have adopted a joint resolution to go into the election of State printer, this evening, at 3½ o'clock, which is herewith transmitted for the consideration of your honorable body.

I have the honor to present for your honor's signature, "an act for the relief of Henry Jacobi."

"An act for the relief of William E. Butts, Robert Maloney, Davis Thompson, E. S. Pryor and Isham W. Wyatt."

Also, a resolution "authorizing Green R. Jones, of Lawrence county, to draw *per diem* pay of Hon. W. H. Judkins, deceased, and authorizing Hon. J. H. Scoggin to draw *per diem* pay of Hon. W. S. Wade, deceased.

I present for your honor's signature "an act supplemental to an act in relation to the Mississippi, Ouachita and Red river Railroad Company."

"An act to provide for the assessing and collecting of taxes upon lands donated by this State."

"An act to prohibit the playing of certain games, and for other purposes."

"An act to appropriate an unexpended balance."

"An act to exempt the library and riding horse of practising physicians from sale, under execution."

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have carefully examined "an act to incorporate the town of Carrollton, in the county of Carroll, State of Arkansas."

"An act to incorporate the Western Mining Company."

"An act imposing additional duties on the presiding judges of the county courts of Crawford and Sebastian counties."

"An act to prevent fraudulent issues of stock."

"An act amending the tax laws of this State."

"An act amendatory of an act entitled an act concerning forfeited lands and for other purposes, approved January 11th, 1851."

"An act to incorporate the Crystal State Company."

"An act to incorporate the Little Rock and Fort Smith Railroad Company."

"A joint resolution of the General Assembly of the State of Arkansas, instructing our Representatives in Congress to use their efforts to procure a change in the present manner of carrying the mail on route 9,501."

"An act to amend the revenue laws."

"An act to incorporate the Smithville, Powhatan and Crowley's Ridge Turnpike or Railroad Company."

"An act to repeal in part an act amendatory of existing laws, regulating the landed interests of this State," and have instructed me to report the same as correctly enrolled.

HOLMES, *Chairman.*

The following message was received from his excellency, the Governor, by the hands of R. H. Johdson, esq.:

Mr. Speaker:

I am instructed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 22d day of January, 1855, he approved and signed "an act concerning common schools, in the counties of Pulaski, Izard, Fulton, Marion, Searcy, Bradley and Van Buren."

"An act to amend the laws of this State in reference to the perfection and sale of lands belonging to the 500,000 acre grant, and for other purposes."

"An act prescribing the mode of procedure in obtaining the right of way for railroads in this State."

"An act to amend the revenue laws of this State."

"An act imposing additional duties on the presiding judges of the county courts of Crawford and Sebastian counties."

"A resolution instructing our delegation to procure a change in the carrying of the mail on the route from Napoleon to Pine Bluff, from a star bid to steamboats, three times a week, and from Pine Bluff to Little Rock in four horse coaches, with privilege of carrying the mail all the way through in four horse coaches, when the Arkansas river is too low for boats."

"An act amendatory of an act entitled an act concerning forfeited lands, and for other purposes," approved January 11, 1851.

"An act amending the tax laws of this State."

"An act to incorporate the Western Mining Company."

"An act to incorporate the town of Carrollton, county of Carroll, State of Arkansas."

"An act to incorporate the Little Rock and Fort Smith Railroad Company."

"An act to incorporate the Crystal State Improvement Company."

"An act to prevent fraudulent issues of stock."

R. H. JOHNSON,
Private Secretary.

Mr. Holmes made the following report:

Mr. Speaker:

The committee on enrollments have examined "an act to change the name of Josiah Summers to that of Josiah Brooks, and to constitute him a lawful heir of Josiah Brooks."

"An act for the relief of Jacob G. Robbins, late sheriff of White county."

"An act more fully to perfect sheriffs' and collectors' bonds, and to add in addition to other penalties, forfeiture of office in certain cases."

"An act concerning swamp and overflowed lands."

And report the same as correctly enrolled.

HOLMES, *Chairman.*

On motion of Mr. Tuley, Senate bill, entitled "an act to exempt from sale or execution the library and riding horse of practicing physicians," was taken up, read a first, second and third time, under a suspension of the rules, and passed.

On motion of Mr. Jacoway, Senate bill, entitled "an act supplemental to an act entitled an act to amend the laws of this State, in reference to the forfeiture and sale of lands belonging to the 500,000 acre grant, and for other purposes," approved 22d January, 1855, was taken up and read a first time.

On motion of Mr. Jacoway, the rules were suspended, the bill read a second and third time and passed.

The following message was received from the Governor:

Mr. Speaker:

I am directed by the Governor to report to the House of Representatives of the General Assembly of the State of Arkansas, that on the 22d day of January, 1855, he approved and signed "an act to incorporate the Smithville, Powhatan and Crowley's Ridge Turnpike Company."

"An act to prohibit the playing certain games and for other purposes."

"An act to appropriate an unexpended balance."

"An act to repeal in part an act amendatory of existing laws, regulating the landed interest of this State."

"An act to amend the revenue laws of this State."

"An act to change the name of Josiah Summers to that of Josiah Brooks, and constitute him the lawful heir of Josiah Rrooks."

"An act for the relief of J. G. Robbins, late sheriff of White county."

"An act more fully to perfect sheriffs' and collectors' bonds, and to add, in addition to other penalties, forfeiture of office in certain cases."

"An act concerning swamp and overflowed lands."

R. H. JOHNSON,
Private Secretary.

The following communication was received from the Governor:

EXECUTIVE OFFICE,
Little Rock, Arkansas,
22 January, 1855.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

Having acted upon all the bills and resolutions of the General Assembly, which have been presented to me for my approval, should it have no more to lay before me, I know of no reason why the session may not be terminated as early as the members may desire. With my best wishes for the happiness and prosperity of every member and officer of the General Assembly, and a hope that our labors may promote the interests of the State, and conduce to the welfare of constituents,

I am, with great respect,
your and their ob't serv't,
ELIAS N. CONWAY.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform your honorable body that the

Senate have finished their business for the present session, and are now ready to adjourn *sine die.*

W. L. D. WILLIAMS,
Secretary of Senate.

Mr. Redmond offered the following resolution:

Resolved, That the Senate be informed that the House of Representatives have finished their business, and are now ready to adjourn *sine die.*

Which was adopted.

Mr. Speaker arose and delivered the following address:

Gentlemen of the House of Representatives:

We have completed the important business that brought us together. The time has arrived when we must adjourn *sine die* and return to the bosoms of our families, friends and constituents. That you will meet with a hearty greeting upon your return to your respective homes, I cannot doubt, for you have labored constantly and zealously to deserve of those who sent you here the approbation, and I have too mnch confidence in the kindness and generosity of the citizens of Arkansas, not to believe that they will welcome to their midst public servants, who have devoted all their time and all their energies, both of body and mind, for eleven weeks, in efforts to promote the prosperity ot the State, and the welfare and happiness of their constituency, as industriously and faithfully as you have done.

We assembled here at an important era of our history. The hearts and hopes of the people have been turned to the proceedings of the General Assembly, and they have not looked in vain. We have laid the foundation for the regeneration of the State. If all hearts and all hands will now unite in carrying out and perfecting the system of internal improvements adopted and matured by this Legislature, the destiny of Arkansas will be upward and onward.

In a few years she will be able to emerge from her present state of darkness, and shake off the gloom that has heretofore surrounded her path, and raise her head side by side with the noblest of her sisters. If the talent, capital and labor are properly directed, in a few years we will be able to reap a rich reward for all the toil and labor we have bestowed on these great subjects, in the general prosperity that will then abound in this rich and growing State.

That some of us and some of our constituents should be disappointed in our expectations, is what was to have been expected; but that a majority of this General Assembly have acted from the purest of motives, and done what they believed would redound most to the general welfare and prosperity of the State, no one can or ought to doubt.

Gentlemen, we met here eleven weeks ago, comparatively strangers to each other; we have labored together for the common weal and general prosperity of our common country; during that time attachments have been formed and friendships estadlished that will last and be remembered until our days are numbered. We are now on the eve of separating, and I cannot permit the opportunity afforded me to pass without saying to you that, if in the discharge of the difficult and arduous duties assigned to me, as the presiding officer of this House, I have hurt or wounded the feelings of a single individual on this floor, it has not been done intentionally.

I have endeavored honestly and faithfully to discharge the duties of the station without favor, partiality or predjudice; and although I may, and no doubt have, often erred, I think you will have the charity to attribute those errors to the head and not to the heart, for in that there has been no guile.

The resolutions adopted this morning are a compliment of kindness that I shall always remember and properly appreciate. I shall remember it on account of the venerable gentleman who has done me the honor to introduce it, and I shall cherish its adoption as a rich reward for the untiring effort that I have made to discharge my duty in such a manner as to meet your approval.

The kindness and courtesy that I have at all times, in all places, and under all circumstances, received from the members and officers of this House, have inspired my bosom with feelings of gratitude that words cannot express.

We must now separate—God speed you to your homes.—Farewell.

On motion of Mr. Edmondson, the speaker proclaimed that the House now stand adjourded, *sine die*, by virtue of a joint resolution, adopted by the two Houses, for that purpose.

SAMUEL MITCHELL,
Speaker House of Reps.

Attest:
James H. Hobbs, *Chief Clerk*
of the House of Representatives.
Little Rock, Ark., 22d January, A. D. 1855.

HOUSE APPENDIX.

AUDITOR'S REPORT.

Auditor's Office,
Little Rock, Arkansas,
October 1st, 1854.

To his Excellency, Elias N. Conway,
Governor of the State of Arkansas.

Sir: In compliance with the requisitions of law, the undersigned, Auditor of Public Accounts, has the honor to submit his biennial report of the condition of the revenue, and the receipts and expenditures for the two fiscal years, ending September 30th, 1854.

The tables accompanying this report, marked in alphabetical order from "A" to "O" inclusive, and statements numbered 1, 2, 3, 4 and 5, contain, in a condensed form, valuable information in regard to the operations of the Treasury, the amount of taxable property in the State, and all other things necessary to a full understanding of the fiscal affairs of the State, required to be furnished by the Auditor.

Tabular statement "A" exhibits the amount of appropriations made at the session of the General Assembly, held in 1852 and 1853, together with the unexpended balances of former appropriations, October 1st, 1852; the amount of warrants drawn thereon, during the two years ending September 30th, 1854, and the balances of appropriations unexpended 30th September, 1854.

Table "B" exhibits the entire receipts into the Treasury, from all sources, during the two years ending the 30th September, 1854; the amount of treasury warrants reported by the State Treasurer as issued, and the amount of expenditures of the State, through the State Treasury, during the same period, and the balance of each fund remaining in the Treasury 1st October, 1854.

Statement "C" is an analysis of table "B," formed into five parts: No. 1 shows the balance of specie in the Treasury applicable to State expenditures; No. 2 shows the balance of Arkansas bank paper in the Treasury, 1st October, 1854; No. 3, the amount of county scrip in the Treasury due the counties October 1st, 1854; No. 4, the balance of treasury warrants outstanding 1st October, 1854; and No. 5, the amount of State Bank bonds and coupons in the Treasury 1st October, 1854, paid into the Treasury by the securities of Samuel Adams, late State Treasurer.

Table "D" shows the amount of funds in the State Bank, at Little Rock, October 1st, 1854, to the credit of the State.

Statement "E" exhibits the amount of county tax paid into the Treasury, for lands redeemed and sold, and the kind of funds remaining in the Treasury 1st October, 1854, and due to the counties from the State.

Statement "F" shows the amount of county tax paid into the State Treasury, by non-residents, under act of 8th January, 1845, and due to the counties therein named 1st October, 1854.

Tabes "G" and "H" show each species of property taxed in the several counties, for the years 1853 and 1854, the separate value of each, the aggregate value of all taxable property in the State, and the amount of revenue charged to sheriffs from the returns made to the Auditor's office by clerks.

Statement "I" shows each species of property taxed in the State annually, for the years 1838 to 1846, inclusive, and the amount of taxes thereon for each year.

Statement "J" exhibits each species of property taxed in the State for the years 1847 to 1854, inclusive, the total amount of taxable property, and the amount of taxes thereon for each year.

Table "K" shows the balance of the internal improvement fund in the Treasury due the counties, October 1st, 1852, the amount of the several distributions made during the two years ending September 30th, 1854, the amount of warrants drawn thereon during the same period, and the balance due the counties October 1st, 1854.

Table "L" exhibits the balance of the seminary fund remaining in the Treasury, due the counties, October 1st, 1852, the several distributions made during the two years ending 30th September, 1854, the amount of warrants drawn thereon, during the same period, and the balance in the Treasury, October 1st, 1854.

Statement "M" is an estimate of the receipts of revenue, including the balance in the Treasury, applicable to State expenditures, and to the redemption of treasury warrants outstanding, and of expenditures, including arrearages due State officers for their salaries, for the two succeeding fiscal years, ending 30th September, 1854.

Table "N" exhibits the amount of State bonds issued to, and sold by the Bank of the State of Arkansas, remaining unredeemed, and the unpaid interest thereon, 1st October, 1854; the number of bonds unsold, and the number of bonds that have been redeemed as reported to the Auditor.

Statement "O" is information furnished the Auditor by Gordon N. Peay, esq., cashier and secretary of the Real Estate Bank, in regard to the indebtedness of that institution, on account of bonds and interest.

Statement No. 1, shows the number of townships in each United States land district, in which swamp and overflowed lands have been selected and confirmed, and the number of acres confirmed in each district.

Statement No. 2, shows the number of acres of swamp and overflowed land, reported to the Auditor as sold by old board of swamp land commissioners, the amount reported as paid in levee work, swamp land scrip and cash.

Statement No. 3, shows the amount of Auditor's warrants issued, on account of swamp and overflowed lands, commencing with the 2d quarter of 1853, and ending with 3d quarter of 1854.

Statement No. 4, shows the number of acres sold by the new board of swamp land commissioners, as reported to the Auditor, and how paid for, and the amount of scrip paid into the State Treasury on account thereof.

Statement No. 5, shows the number of acres of swamp and overflowed lands sold in each swamp land district; the amount of swamp land scrip and cash, reported as received by each agent, and the amount paid by each agent into the Treasury.

It will be seen by reference to table "A" that the appropriations to pay the salaries of prosecuting attorneys and bank officers, have been exhausted, leaving an arrearage due these officers for their salaries.

By reference to table "H," it will be seen that no tax books have been received from the counties of Arkansas, Fulton, Lawrence, Monroe and Polk, for the year 1854. In some cases this failure may be owing to the short time allowed to clerks to make out the tax books and transmit them to the Auditor; and in other cases doubtless, it arises from the fact that sheriffs have failed to give bond, as colloctors, as required by law. To prevent failures for the first cause, the Auditor would respectfully recommend that the time allowed clerks to make out the tax books, be extended, say to forty days, instead of thirty days, the time now given. No inconvenience or delay would be occasioned by this extension of time, as the assessment lists are adjusted by the county courts in April, in each year, and Sheriffs have until May in the succeeding year, to collect the revenue and make settlement thereof.

The failure of sheriffs to give bond, as required by law, for the collection of revenue, was brought to the attention of the legislature two years ago, by my predecessor, but no action was had upon the subject; the Auditor would again bring this matter before the legislature, and would recommend the enacting of some more efficient law than any now on the statute book for reaching such cases. At the last session of the legislature a law was passed, requiring certain proceedings to be taken against sheriffs failing to file their assessment lists in proper time, to declare their offices forfeited. The enactment of a law with similar provisions, in cases of sheriffs failing to give bond for the collection of revenue within the time prescribed by law, would probably be sufficient.

Under an act passed at the last session of the legislature, entitled "an act amendatory of existing laws regulating the landed interests of this State," it was made the duty of the Auditor to "procure and keep in his office a well bound set of books and correct plats" of all lands taken up by the State under the act of Congress donating 500,000 acres of land to the State; and of all the seminary lands granted to the State, and of all lands belonging to the State under the designation of saline lands, and of all lands granted to the State, under the appellation of "swamp and overflowed lands," and the same act required him to make out and furnish the land agents in the several districts, township maps, in which he should carefully class these lands. In accordance with the requisitions of this act, books and maps have been procured, and all the lands belonging to the different classes, which have been reported to this office, have been carefully marked, and the several land agents furnished with the maps required by said act, and all other things necessary to put their offices into operation.

As the landed interests of the State have been placed in the Auditor's office, it would be well for the legislature to pass an act requiring the late state land agent to deposit all the original books, papers and plats, now in his possession, relating to the 500,000 acre donation and other lands, in this office.

It was the intention of the Auditor to prepare statements, to accompany this report, showing the condition of the 500,000 acre donation, the seminary and saline lands; but the late period at which a part of the necessary information was obtained, will preclude him from doing so; the Auditor will, however, be able to prepare a report in regard to these lands containing much valuable information, by the meeting of the legislature, to be laid before that body.

The report herewith submitted in regard to the condition of the swamp and overflowed lands is not as full and accurate as the Auditor would wish to make; but is as detailed a statement as the data in this office, and the limited time he has had to investigate the subject, will allow him to present.

The undersigned, as Auditor of Public Accounts of the State of Arkansas, has made, according to law, a detailed "statement of the condition of the revenue, and the amount of the expenditures for the two preceding fiscal years," and "of the public debt," and "estimates of receipts and expenditures for the two succeeding fiscal years," and "tabular statements showing separately the whole amount of each appropriation, the amount paid under the same, and the balance unexpended," and has shown fully all the operations of the State Treasury during the two preceding fiscal years.

The undersigned has made but few suggestions to the legislature in his report, and the reason he has not more fully complied with the requisitions of the law in suggesting "plans," is his want of experience in the operations of the financial affairs of the State; having been appointed to the office at a very late period, he has not had time to inform himself sufficiently to justify him in making recommendations, but would respectfully submit the subject to the enghtened judgment of the legislature.

Very respectfully,
Your obedient servant,
WM. R. MILLER, *Auditor*
of Arkansas.

TABLE A.—EXPENDITURES.

A *TABULAR STATEMENT—Exhibiting the amounts of appropriations made at the session of the General Assembly, held in November and December,* 1852, *and January,* 1853, *with the balances of former appropriations reported as unexpended* 30*th September,* 1852, *and amounts transferred, or added thereto, under acts as hereinafter stated; and also the amounts of Warrants drawn under their appropriate heads, and the amount of an escheat paid out to John Delaney, as reported by the Treasurer, as paid without Warrant during the two years ending with the* 30*th day of September,* 1854, *and the balance of each appropriation unexpended at the expiration of that day.*

	FOR WHAT PURPOSES APPROPRIATED.	Amounts of appropriations.	Amounts of warrants drawn.	Balances unexpended.	
1	To pay for printing and distributing the Acts and Journals, by act approved 11th January, 1853, including balance unexpended 30th September, 1852.	$ 9265 40	$ 5848 73	$ 3416 67	1
2	To pay for printing, binding and distributing the Decisions of the Supreme Court, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	3071 53	3066 44	5 09	2
3	To pay the salaries of the Judges of the Supreme Court, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	15610 60	10875 00	4735 60	3
4	To pay the salary of the Secretary of State, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	2329 83	2000 00	329 83	4
5	To pay the salary of the State Treasurer, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	1863 86	1600 00	263 86	5
6	To pay the salary of the Auditor of Public Accounts, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	2795 80	2400 00	395 80	6
7	To pay contingent expenses of the offices of Auditor and Treasurer, balance unexpended 30th September, 1852,	78 15	34 40	43 75	7

8	To pay for advertising lands for sale for taxes, by the Auditor of Public Accounts, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	826 80	203 00	623 80	8
9	To pay for fuel and stationery for the General Assembly, and for fuel for the offices of Governor, Secretary of State, Auditor and Treasurer, by act approved 11th January, 1851, including balance unexpended,	2160 86	387 10	1773 76	9
10	To pay United States Land Officers for lists of land entered at their offices, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	685 72	611 85	73 87	10
11	To pay the salary of the Reporter of the Decisions of the Supreme Court, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	826 58	744 50	82 08	11
12	To pay salary of the State Land Agent, out of the Internal Improvement Fund, balance unexpended 30th September, 1852,	2112 67	625 00	1487 67	12
13	To pay the proper officers of the different counties, escheated funds for schools, by act approved 11th January, 1851, balance unexpended 30th September, 1852,	62 71		62 71	13
14	To pay all costs, which have been, and all which shall hereafter be adjudged against the State, and the Bank of the State of Arkansas, in suits heretofore commenced, or which shall hereafter be commenced by the State, and the Bank of the State of Arkansas, or by any person or persons, against the State, or Bank of the State of Arkansas, by act approved 11th January, 1851, balance unexpended 30th September, 1852,	2 05		2 05	14
15	To pay all costs, which have been, or shall be, adjudged against the State Bank of the State of Arkansas, provided that all accounts for such costs shall be certified by the proper officer or attorney, as required by law, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	1010 45	1008 68	1 77	15
16	To pay for the necessary repairs on the public buildings, to be expended under the direction of the Secretary of State, by act approved 11th January, 1853,	500 00	500 00		16
17	To pay the Private Secretary of the Governor, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	1031 57	781 73	249 84	17
18	To pay contractor for work to be performed by him, on and about the Penitentiary, as provided for in "an act to provide for building a safe and durable wall around the Penitentiary, proper workshops, keeper's house, and for the improvement of the Penitentiary system," passed at the present session of the General Assembly, including balance unexpended 30th September, 1852,	9000 00		9000 00	18
19	To pay special appropriations, by acts of 24th and 27th November; 7th, 8th, 9th, 15th and 17th December, 1852, and 1st, 4th, 10th, 11th and 12th January, 1853.	6976 26	6976 26		19

TABLE A.—Continued.

	FOR WHAT PURPOSES APPROPRIATED.	Amounts of appropriations.	Amounts of warrants drawn.	Balances unexpended.	
20	To pay State Treasurer for receiving and disbursing the Internal Improvement Fund, by act approved 20th January, 1851,	400 00	400 00		20
21	To pay Bank officers, by act approved 11th January, 1853,	5000 00	4981 38	18 62	21
22	To pay for building a wall around the Penitentiary House of this State, by act approved 11th January, 1853,	26500 00	26248 00	252 00	22
23	To pay the salary of the Governor, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	4391 51	3600 00	791 51	23
24	To pay costs accruing in the prosecution of suits by the State in respect to the 500,000 acre grant of lands, and payable on the proper certificate of the Land Attorney and State Collector, out of the Internal Improvement Fund, by act approved 21st December, 1850,	176 21	176 21		24
25	To pay costs accruing in the prosecution of suits by the State, in respect to the Seminary Fund, by act approved 21st December, 1850,	21 50	21 50		25
26	To pay for recording and arranging in township order, the abstract of land reported to the Auditor as taxable, balance unexpended, 30th September, 1852,	368 08	115 12	252 96	26
27	To pay for all necessary plats for the office of Land Agent, and also for any contingent expenses of said office, out of the Internal Improvement Fund, by act approved 10th January, 1845,	68 05	68 05		27
28	To pay Warrants drawn under an act approved 14th January, 1843, to authorize the Auditor to draw Warrants on the Treasurer in certain cases,	793 40	793 40		28
29	To pay for all books necessary to carry into effect the provisions of an act in respect to the 500,000 acre land fund, and to pay any extra clerk hire in the Auditor's office in respect to the same fund, by act approved 10th January, 1851,	851 67	851 67		29

30	To pay contingent expenses of the Executive Department, including the offices of Secretary of State, Auditor and Treasurerer, and to pay contingent expenses of the Supreme Court, balance unexpended 30th September, 1852,	93 61		93 61	30
31	To pay the necessary expenses for the finish, and furniture of the library and consultation room for the Judges of the Supreme Court, balance unexpended 30th September, 1852,	43 30	43 30		31
32	To amount appropriated for the Supreme Court Library, by act approved 11th January, 1853,	400 00	400 00		32
33	To pay Prosecuting Attorneys, and Prosecuting Attorneys pro tem., by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	3372 82	3450 00		33
34	To pay the salaries of the Judges of the Circuit Courts, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	25127 77	16598 79	8528 98	34
35	To pay clerk hire in the Auditor's office, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	2748 24	2378 49	369 75	35
36	To pay special appropriations out of the Internal Improvement Fund, by acts approved 24th November, 1852, and 12th January, 1853,	792 88	792 88		36
37	To pay Electors of President and Vice President, by act approved 30th November, 1852, including balance unexpended 30th September, 1852,	635 59	211 50	424 09	37
38	To pay contingent expenses of the Executive department, including only the offices of Governor and the Secretary of State, and the contingent expenses of the Supreme Court, balance unexpended 30th September, 1852,	2639 79	2196 83	442 96	38
39	To pay members and officers of the General Assembly, by act of 30th November, 1852, including balance unexpended 30th September, 1852,	85062 02	29677 65	55384 37	39
40	To pay the contingent expenses of the office of Auditor of Public Accounts, by act approved 11th January, 1853,	1500 00	985 17	514 83	40
41	To pay the contingent expenses of the office of State Treasurer, by act approved 11th January, 1853,	600 00	365 20	234 80	41
42	To pay the expenses of the purchase of books, and copying the returns now on file in the Auditor's office, relative to lands sold or forfeited at collector's sales, and for covering the tax books now on file in the Auditor's office, by act approved 12th January, 1853,	750 00	750 00		42
43	To pay the contingent expenses of the Executive Department, including only the offices of Governor and Secretary of State, by act approved 11th January, 1853,	8000 00	4248 97	3751 03	43
44	To pay the expenses of the Supreme Court of the State of Arkansas, by act approved 11th January, 1853.	3000 00	3051 64		44

TABLE A.—CONTINUED.

	FOR WHAT PURPOSES APPROPRIATED.	Amounts of appropriations.	Amounts of warrants drawn.	Balances unexpended.	
45	To pay for the repairs of, and new roofing the Supreme Court room, by act approved 11th January, 1853,	1000 00	245 75	754 25	45
46	To amount appropriated to erect a suitable monument over the grave of the late Hon. J. A. Lovejoy, by act approved 11th January, 1853,	50 00	50 00		46
47	To pay Special Judges of the Supreme Court, by act approved 11th January, 1853,	2000 00	1400 00	600 00	47
48	To pay the Secretary of State for copying the laws passed at this session of the General Assembly, and for copying and certifying resolutions, and transmitting the same to our delegation in Congress, and for reading the proof-sheets of all laws passed at this session, and for distributing the Acts and Journals, by act approved 11th January, 1853,	250 00	250 00		48
49	To pay costs that have, or may hereafter accrue, in the case now pending between Robinson Lyttle and others, complainants, and the State of Arkansas, defendant, by act approved 11th January, 1853,	300 00		300 00	49
50	To pay the contingent expenses of the Senate and House of Representatives, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	8681 60	4058 30	4623 30	50
51	To amount appropriated to defray the expenses of furnishing the Executive office, by act approved 4th January, 1853,	200 00	110 68	89 32	51
52	To pay the administrator of Martin W. Dorris, the amount it may be found by the Circuit Court of Arkansas county, sitting as court of chancery, as paid by said Dorris for the purchase of the Banking House, and lot of ground upon which it is situated, at the Post of Arkansas, in the county of Arkansas, with legal interest thereon till paid, approved 30th December, 1850,	476 00	476 00		52
53	To amount appropriated to carry into effect the provisions of an act to divide the Seminary				

	fund, and to establish common schools, approved 5th January, 1849, balance unexpended 30th September, 1852,	225302 07	13578 15	211723 92	53
54	To amount appropriated to carry into effect the provisions of an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas, for purposes of Internal Improvement, approved 10th January, 1849, balance unexpended 30th September, 1852,	917345 14	164279 96	753065 18	54
55	To pay for making and marking plats, and other expenses relating to the 500,000 acre lands, by act approved 11th January, 1853,	773 01	773 01		55
56	To pay for making and marking plats and other expenses in respect to the Seminary fund, by act approved 12th January, 1853,	106 82	106 82		56
57	To pay costs which have or shall accrue in State prosecution, by act approved 10th January, 1849, balance unexpended 30th September, 1852,	558 43		558 43	57
58	To amount appropriated by act 24th December, 1852, to pay John Delaney the amount paid into the State Treasury by the administrator of David Delaney, without a warrant,	460 54	460 54		58
59	To amount appropriated to pay sheriffs' fees in cases of runaway slaves, by act approved 9th January, 1851,	548 41	548 41		59
60	To pay Daniel E. Williams and A. C. Owen for obtaining a complete list of lands subject to taxation in the counties of Layfayette and Hempstead, by act approved 10th Jan., 1853,	300 00	118 64	181 36	60
61	To pay all expenses relating to Saline lands, by act approved 12th January, 1853,	119 70	119 70		61
		$1392019 00	$326644 40	$1065503 42	

NOTE—It will be seen from the above table, that the amount of warrants drawn and the balances unexpended, in the aggregate, exceed the amount of appropriations, $128 82; the appropriations to pay Prosecuting Attorneys and to pay the contingent expenses of the Supreme Court, being overdrawn by my predecessor.

AUDITOR'S OFFICE,
Little Rock, Arkansas,
1st October, 1854.

WM. R. MILLER, *Auditor*
of Public Accounts of the
State of Arkansas.

TABLE B.—Receipts.

A TABULAR STATEMENT—Showing the Receipts into the State Treasury from all sources, and the kind of funds received during the two years ending with the 30th day of September, 1854; the amount of Treasury Warrants reported by the State Treasurer as issued; the Expenditures of the State, through the State Treasury, during the same period; and the balance remaining in the State Treasury, on the 1st October, 1854.

	Cash paid by Collectors.		State tax paid for the redemption and purchase of forfeited lands.		Amount receiv'd by the State Treasurer for the sale of the Digests & Supreme Court Reports, according to receipts on file.		Amount paid into the State Treasury by the securities of Samuel Adams, late State Treasurer, in State Bank Bonds and Coupons.	Amount paid into the State Treasury on account of the 500,000 acre Land Fund.		Amount received by the State Treasurer of the Seminary Fund, according to receipts filed in the Auditor's office.	Amount received by the State Treasurer from sales of the Saline Lands.	Treasury Warrants issued by the State Treasurer to redeem Auditor's Warrants, as reported by the State Treasurer.
	In Specie.	In Arkansas Treasury Warrants.	In Specie.	In Arkansas Treasury Warrants.	In Specie.	In Arkansas Treasury Warrants.		In Specie.	In Arkansas Bank paper.			
4th Quarter of 1852,..	$ 28082 85	$ 51784 88	$ 36 32	$ 35 00	$158 00	$ 17 50	$	$40893 10	... .	$ 742 56	$	$ 29648 06
1st Quarter of 1853,..	1 38	275 39	44 48	3122 76	....	....	3764 58	16886 85	....	1871 92	....	21194 79
2d Quarter of 1853,..	55	3353 88	11 48	262 50	....	....	....	42762 11	....	2461 44	....	14582 26
3d Quarter of 1853,..	....	5881 23	14 79	288 84	....	....	....	14500 03	....	979 82	....	15620 58
4th Quarter of 1853,..	1 75	6963 53	8 07	2639 98	....	....	....	6976 74	....	3173 44	....	14440 40
1st Quarter of 1854,..	77 22	10424 38	145 71	4406 65	....	15 00	....	15261 61	....	1119 11	....	11291 41
2d Quarter of 1854,..	49522 22	47470 66	965 23	75 65	....	....	....	21508 93	....	1173 61	559 52	10140 81
3d Quarter of 1854,..	10 26	....	166 40	....	....	....	....	8507 98	....	620 46	629 15	....
	$ 77696 23	$ 125653 95	$ 1392 48	$10831 38	$158 00	$ 32 50	$3764 58	167236 85	....	$ 11642 86	$ 1188 67	$ 116918 31
Balance of each fund in the Treasury, 1st October, 1852,........								19616 17	$ 504 10	9631 59	....	....

	Total amount paid into the State Treasury for State Revenue, including Treasury Warrants issued, and the Seminary, Saline and the 500,000 acre land fund, and State Bank Bonds and Cupons.	County taxes paid in the Treasury for the redemption and purchase of forfeited lands.			County taxes paid into the State Treasury, by non-residents, for taxes on lands, in specie.	Amount received into the State Treasury on account of the monument fund.	Escheat in Phillips county, under Sec. 35 of school law.	Escheat in Lawrence county, under Sec. 35 of school law.	Escheat in Yell county, under Sec. 35 of school law.	Common school fund, under Sec. 135, of revenue law.	Funds of the State in the State Treasury, Oct. 1st, 1852, as per table "C," in Auditor's Report, of 1st Oct., 1852. That table was divided into three parts—No. 1, specie; No. 2, Ark. Bank paper; No. 3, Ark. Tr. warrants.			Total amount paid into the State Treasury, from all sources, including Treasury Warrants issued by the State Treasurer.
		Arkansas Bank paper.	Specie.	County Scrip.			Specie.	Specie.	Specie.	Arkansas Bank paper.	Balance specie, applicable to the redemptin of Treas. warrants, Oct. 1 '52.	Arkansas Bank paper in Treasury, 1st October, 1852.	Redeemed Ark. Treasury Warrants in Treasury, 1st October, 1852.	
4th Quarter of 1852,..	$ 151898 27	......	$ 42 24	$ 6 30	......	......	......	......	......	......	......	......	......	$ 151446 81
1st Quarter of 1853,..	46601 65	......	717 89	297 70	......	......	......	......	......	......	......	......	......	47617 24
2d Quarter of 1853,..	63434 22	......	30 93	107 35	......	......	......	......	......	......	......	......	......	63572 50
3d Quarter of 1853,..	36785 29	......	100 66	63 83	......	......	......	......	......	......	......	......	......	36949 78
4th Quarter of 1853,.	34203 91	......	741 82	580 91	......	......	......	......	......	......	......	......	......	35526 64
1st Quarter of 1854,..	42741 09	......	709 13	597 80	......	......	......	......	......	......	......	......	......	44048 02
2d Quarter of 1854,..	131416 63	......	859 52	160 52	......	......	......	......	......	......	......	......	......	131936 67
3d Quarter of 1854,..	9934 25	......	81 90		......	......	......	......	......	......	......	......	......	10016 15
	$ 516515 31	......	$2784 09	$1814 41	......	......	......	......	......	......	......	......	......	......
Balance of each fund in the State Treasury, 1st October, 1852, ...		......	549 79	301 39	$43 78	$45 00	$ 21 66	$ 06	$40 99	......	$ 17092 87	$6121 46	$ 76509 48	$ 129974 24
Balance due from the State to the funds indicated, but not actually in the Treasury, on the 1st October, 1852, .		$18 14	......	......	......	......	......	......	......	$ 124 00	......	......	......	142 14
														$ 651280 19

TABLE B.—EXPENDITURES.

TIME EXPENDED.	Amount of Auditor's Warrants issued during the two years ending with 30th of September. 1854.	Auditor's warrants redeemed by the State Treasurer.		Total amount of Auditor's warrants redeemed.	Amount paid under special appropriation to John Delaney, being amount of an escheat paid into the State Treasury by administrator of David Delaney.	Auditor's warrants outstanding 1st October, 1854, $1,250 issued before 1st Oct., 1844.	Drafts of County Treasurers paid on account of lands redeemed and sold.			County taxes refunded without warrants.	
		Arkansas Treasury Warrants.	Specie.				Specie.	County Scrip.	Arkansas Bank paper.	Specie.	County Scrip.
4th Quarter of 1852,..........	$ 51616 13	$ 29648 06	$ 22173 07	$ 51821 13	$ 460 54	Warrants outstanding, one thousand two hundred and fifty dollars.	$ 114 29	$48 80	$	....	....
1st Quarter of 1853,..........	51547 11	21194 79	30118 82	51313 61	....		39 43	....	....	$ 9 10	$ 4 79
2d Quarter of 1853,..........	27667 04	14582 26	12992 98	27575 24	....		44 97	39 65	....	37 27	....
3d Quarter of 1853,..........	61021 09	15620 58	45350 81	60971 39	....		17 51	42 00	....	....	....
4th Quarter of 1853,..........	40833 89	14440 40	26393 49	40833 89	....		16 47	....	....	23 65	6 97
1st Quarter of 1854,..........	24653 57	11291 41	13562 16	24853 57	....		3 52	....	84 45	....	6 13
2d Quarter of 1854,..........	29634 49	10140 81	19493 68	29634 49	....		806 22	302 65	....	39 79	18 25
3d Quarter of 1854,..........	39210 54	....	39210 54	39210 54	....		589 60	473 27	....	8 66	....
	326183 86	116918 31	209295 55	.... 326213 86	.... $ 460 54		$1632 01	906 37	$ 84 45	.... $ 118 47	.... $ 36 14

TIME EXPENDED.	Total amount of county taxes paid out on account of lands redeemed and sold.	Arkansas treasury warrants redeemed with specie, as reported by the State Treasurer.	Total amount paid out.	Add amount absorbed by the receipts of Arkansas Treasury warrants for State revenue.	Add amount due from the State, but not in the Treasury, 1st Oct. 1852.	Add amount of redeemed Arkansas Treasury warrants, in the Treasury 1st October, 1852.	Total amount.	
4th Quarter of 1852,............	$ 163 09	$ 85508 01	$ 86952 77	$ 51837 38	$ 142 14	$ 76509 48	$ 215441 77	
1st Quarter of 1853,............	53 32	212 83	51579 76	3398 15	....	....	54977 91	
2d Quarter of 1853,............	121 89	322 81	28019 44	3616 38	....	....	31635 82	
3d Quarter of 1853,............	59 51	....	61030 90	5670 07	....	....	66700 97	
4th Quarter of 1853,............	47 09	....	40880 98	9603 51	....	....	50484 49	
1st Quarter of 1854,............	94 10	....	24947 67	14846 03	....	....	39793 70	
2d Quarter of 1854,............	1166 91	3775 25	34576 65	47546 31	....	....	82122 96	
3d Quarter of 1854,............	1071 58	43 75	40325 82	....	....	....	40325 82	
	$2777 44	$ 38862 15	$ 368313 99	$136517 83	$ 142 14	$ 76509 48	....	$ 581483 44
Balance in the Treasury 1st of October, 1854, composed of the amounts stated below,..................								$ 69746 75

This balance is composed of the sum of $29,514 29 specie, applicable to State expenditures ; Arkansas Bank paper, $6,037 01, of which amount there is due to the Internal Improvement Fund 2,504 10, and $387 25, applicable to State expendituses, and the balance, $5,145 66, remains unappropriated ; $18,886 24 specie belonging to the Internal Improvement Fund ; $7,567 48 specie belonging to the Seminary Fund ; $3,764 88 State Bank bonds and coupons paid into the Treasury by the securities of Samuel Adams, late State Treasurer, $1,689 89 specie belonging to counties and Phillips, Lawrence and Yell County School Commissioners ; $1,173 29 county scrip belonging to counties on account of county tax paid for the redemption and purchase of forfeited lands ; and $45 specie belonging to the Monument Fund ; and to the Saline Fund, $1,068 97.

Auditor's Office,
Little Rock, Ark., Oct. 1st, 1854.

WM. R. MILLER, *Auditor Public Accounts*
of the State of Arkansas.

TABLE C.

AN ANALYSIS of table "B," forming 5 *parts; No.* 1, *relative to Specie; No.* 2, *Arkansas Bank Paper; No.* 3, *County Scrip; No.* 4, *Treasury Warrants; No.* 5, *Arkansas State Bonds and Coupons.*

No. 1.

A STATEMENT—Showing the amount of specie which was in the Treasury on the 1st October, 1852; the amount paid in during the two years ending with 30th September, 1854; the amout paid out during the same time; and the balance in the Treasury on the 1st October, 1854.

		Total amount of Specie from all sources.
Specie in the Treasury, 1st October, 1852,		$47,041 91
Specie received from all sources during the two years ending with the 30th September, 1854,		262,098 68
		$309,140 59
The following amounts have been reported to the Auditor, as having been expended, viz:		
To redeem Auditor's Warrants,	$209,295 55	
To amount paid John Danley as an escheat,	460 54	
Paid out on drafts of County Treasurer's county taxes, which had been paid into the State Treasury in specie, on account of forfeited lands redeemed and sold,	1,632 01	
County taxes refunded to individuals on account of lands redeemed and sold,	118 47	
To amount paid out to redeem Treasury Warrants,	38,862 15	250,368 72
Balance 1st October, 1854,		$58,771 87
Of which amount there is due to the 500,000 acre Land Fund,	18,886 24	
To the Seminary Fund,	7,567 48	
County tax paid into the Treasury by non-residents,	43 78	
To counties on account of county taxes paid for the redemption and purchase of forfeited lands,	1,583 40	
To Saline Fund,	1,068 97	
To the counties of Phillps, Lawrence and Yell, under sec. 35, school law,	62 71	
To the Monument Fund,	45 00	$29,257 58
Balance specie in the Treasury applicable to State expenditures 1st October, 1854,		$29,514 29

No. 2.

A STATEMENT—Showing the amount of Arkansas bank paper which was in the Treasury 1st October, 1852; the amount paid in during the two years ending with the 30th September, 1854: the amount paid out during the same period, and the balance in the Treasury 1st October, 1854.

		Total amount of Arkansas Bank Paper.
Arkansas bank paper in the Treasury 1st October, 1852,		$6,121 46
The following amount has been paid out as reported to the Auditor, to wit:		
Amount draft paid Treasurer of Arkansas county, on account of county tax paid for the redemption of forfeited lands,	$84 45	84 45
Balance Arkansas bank paper in the Treasury 1st October, 1854,		$6,037 01

No. 3.

A STATEMENT—Showing the amount of county scrip paid into the State Treasury, on account of lands redeemed and sold during the two years ending with the 30th September, 1854, the amount paid out during the same period, and the balance in the Treasury 1st October, 1854.

Balance county scrip in the Treasury, 1st October, 1852,		$ 301 39
Amount county scrip paid into the Treasury on account of the redemption and sale of forfeited lands,		1,814 41
		$2,115 80
Of which the following amounts have been reported to the Auditor as paid out, viz:		
Paid out on drafts of County Treasurer's county taxes, which had been paid into the Treasury in county scrip,	$906 37	
County taxes refunded to individuals,	36 14	942 51
Balance county scrip in the Treasury, 1st October, 1854,		$1,173 29

No. 4.

A STATEMENT—Showing the amount of Treasury Warrants outstanding and unredeemed on the 1st October, 1852; the amount of Treasury Warrants issued during the two years ending with the 30th September, 1854; the amount redeemed during the same period; and the amount outstanding and unredeemed, 1st October, 1854.

	Arkansas Treasury Warrants issued.
Amount of Treasury Warrants outstanding 1st October, 1852, including the amount paid into the Treasury by Wm. Adams, late Treasurer,	$ 58,833 43
Total amount of Treasury Warrants reported to the Auditor as issued during the two years ending 30th September, 1854,	116,918 31
	$175,751 74
Deduct amount of Treasury Warrants redeemed for the two years ending 30th September, 1854,	175,379 98
Leaving balance outstanding 1st October, 1854,	$ 371 76

No. 5.

AMOUNT of State Bank Bonds and Coupons, paid into the Treasury, by the securities of Samuel Adams, late State Treasurer, on account of his defalcation as sach Treasurer,	$3,764 58

WILLIAM R. MILLER, *Auditor*
of Public Accounts of the
State of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Arkansas,
1st October, 1854.

TABLE D.

A STATEMENA—Showing the amount of funds to the credit of the State in the Bank of the State of Arkansas, at Little Rock, 1st *October*, 1854.

	Surplus Revenue Fund.	Five per cent fund for Internal Improvements.	Seminary Fund.	Saline Fund for Internal Improvement.	Bank to reimburse to State Treasury under sec. 1 appropriation act, 10th Jan., 1845.	Total.
Balance each fund to the credit of the State in the State Bank, 1st October, 1854.	$9163 76	$58727 44	$2188 41	$151 87	$4495 00	$74725 98

WM. R. MILLER, *Auditor*
of Public Accounts of the
State of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Arkansas,
1st October, 1854.

TABLE E.

A *STATEMENT—Showing the amount of County Tax remaining due from the State Treasury on the* 1st *October,* 1854, *to the following named counties on account of forfeited lands redeemed and sold.*

	NAMES OF COUNTIES.	Amount due each county.			NAMES OF COUNTIES.	Amount due each county.	
					Amount brought up,	$1382 93	
1	Arkansas,................	$ 95 18	1	18	Lawrence................	158 06	18
2	Ashley,................	57 17	2	19	Marion,................	1 85	19
3	Chicot,................	23 85	3	20	Mississippi,................	19 89	20
4	Conway,................	129 60	4	21	Monroe,................	76 28	21
5	Crittenden,................	103 17	5	22	Perry,................	47 17	22
6	Crawford,................	6 73	6	23	Phillips,................	344 39	23
7	Columbia,................	27 45	7	24	Poinsett,................	114 17	24
8	Desha,................	57 07	8	25	Prairie,................	270 23	25
9	Drew,................	127 57	9	26	Pulaski,................	19 26	26
10	Fulton,................	10 92	10	27	Randolph,................	42 98	27
11	Hempstead,................	53 37	11	28	Saline,................	41 95	28
12	Hot Spring,................	110 12	12	29	Sevier,................	17 42	29
13	Independence,................	127 93	13	30	St. Francis,................	17 27	30
14	Jackson,................	420 34	14	31	Washington,................	26 85	31
15	Jefferson,................	8 09	15	32	White,................	187 67	32
16	Johnson,................	16 61	16	33	Yell,................	6 96	33
17	Lafayette,................	7 76	17				
		$1382 93				$2774 83	

The total amount stated above, is composed of $1,583 40 in specie; $1,173 29 in County Scrip; and $18 14 in Arkansas Bank Paper remaining due from the State.

WM. R. MILLER, *Auditor*
of Public Accounts of the
State of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Arkansas,
1st October, 1854.

TABLE F.

A *STATEMENT—Showing the amount of County Tax remaining in the State Treasury on the* 1st *October,* 1854, *and belonging to each of the following named counties, on account of County Taxes paid into the State Treasury by non-residents, under act of* 8*th January,* 1845.

	NAMES OF COUNTIES.	Amount due each county.			NAMES OF COUNTIES,	Amount due each county.	
1	Jackson,................	5 63	1		Amount brought up,	$ 19 23	
2	Pike,................	9 10	2	4	Sevier,................	1 80	5
3	Randolph,................	4 50	3	5	White,................	22 75	4
		$ 19 23			Total in specie,........	$ 43 78	

WM. R. MILEER, *Auditor*
of Public Accounts of the
State of Arkansas.

AUDITOR'S OFEICE,
Little Rock, Arkansas,
1st October, 1854.

TABLE G.

A STATEMENT—Exhibiting each species of property taxed in the several counties in this State for the year **1853,** *and the separate valuation of each, where practicable to obtain the same from the Tax Books; the aggregate value of taxable property in each county, and the gross amount of taxes (in dollars and cents, rejecting smaller fractions, charged to the Sheriffs upon returns made to this office, by the Clerks of the several counties. Where the amount of taxes in the county exceeds one-fourth of one per cent., on the value of the property, the difference must be attributed to arrearages of taxes for other years; and where taxes do not amount to one-fourth of one per cent., the slight variations must be attributed to the difference between the additions of complicated tax lists by the Auditor and by the Clerks.*

	COUNTIES.	No. of persons liable to pay a Poll tax.	No. of acres of land taxed.	One hundreth acres.	Value of lands and improvements taxed.	No. of town or city lots taxed.	Value of town or city lots and imp'ments taxed.	No. of slaves over 5 and under 60 years of age taxed.	Value of slaves over 5 and under 60 years of age taxed.	No. of saw-mills taxed.	Value of saw-mills taxed.	No. of tan-yards taxed.	Value of tan-yards taxed.	No. of distilleries taxed.	Value of distilleries taxed.	Household furniture over $200 taxed.	No. of pleasure carriages taxed.	Value of pleasure carriages taxed.	
1	Arkansas	313	131983	..	599952	61	4180	1366	680555	2	3300	...	......	..	.....	2465	17	8000	1
2	Ashley	384	48320	..	174139	96	9995	738	390275	3	4300	...	......	..	.....	250	9	691	2
3	Benton	810	78299	..	272635	147	22090	150	72834	7	3200	4	1150	1	75	250	8	740	3
4	Bradley	584	73589	..	222279	99	8919	1068	566046	4	3000	2	350	..	.....	......	9	720	4
5	Carroll	959	41555	..	211956	74	7540	158	75455	3	1500	6	780	2	260	......	1	50	5
6	Chicot	320	185711	..	1411733	58	11325	3433	1842450	5	7300	...	......	..	.....	3360	13	1250	6
7	Clark	778	193723	19	644132	596	61596	974	410801	3	1850	1	500	..	.....	1300	9	1115	7
8	Conway	580	86000	..	232505	88½	5864	158	72922	3	3000	...	......	..	.....	700	2	150	8
9	Crittenden	268	227452	..	1422832	115	5210	675	353540	1	5000	...	......	1	150	......	3	420	9
10	Crawford	622	69554	..	285537	828	143795	436	196060	3	600	1	200	..	.....	4000	19	2550	10
11	Calhoun	330	34162	..	134987	28	3041	395	187215	2	400	2	550	..	.....	450	4	135	11
12	Columbia	714	174797	..	546665	5	470	1244	618730	4	1500	1	160	..	.....	370	18	2505	12
13	Dallas	581	103223	..	353407	66	15560	1739	756425	3	1800	2	150	..	.....	250	27	4175	13
14	Desha	469	138979	56	621344	504	46345	1076	566960	3	1100	...	......	..	.....	100	1	40	14
15	Drew	518	141655	31	532017	88	15772	932	520580	3	80	3	1343	..	.....	500	10	800	15
16	Franklin	573	56434	..	209364	123	17084	399	174770	4	1350	2	150	1	75	......	6	450	16

17	Fulton	335	15408	..	72510	47	1800	41	19600	...	....	2	250	..	.....	......	....	......	17
18	Green	592	24813	..	99010	51	1310	38	18565	1	100	1	300	1	35	......	2	90	18
19	Hempstead	765	228520	..	811003	848	78508	1798	866576	5	3600	4	700	..	.....	4980	35	4970	19
20	Hot Spring	560	50320	..	199689	.....	....	255	125850	6	2350	4	1215	1	50	1150	17	1341	20
21	Independence	1302	161159	..	646169	590	125793	692	308701	5	2500	4	1750	..	.....	2900	26	2320	21
22	Izard	609	21854	..	98575	39	1655	181	82100	7	8700	2	275	..	.....	......	....	......	22
23	Jackson	789	135279	38	864800	158	64624	747	390225	2	800	2	1300	..	.....	......	14	1580	23
24	Jefferson	612	126483	..	811315	196	95260	1099	1098360	7	11900	..	......	..	.....	4050	29	3050	24
25	Johnson	670	77762	..	329960	469	46490	628	312390	8	8400	2	4500	4	220	1000	6	725	25
26	Lafayette	216	120201	..	502808	43	4240	1955	821720	...	....	1	300	..	.....	1300	12	1780	26
27	Lawrence	1127	83933	..	298148	264	16045	332	157055	2	300	6	1325	6	265	300	13	975	27
28	Madison	816	83291	..	157207	86	18000	144	78700	5	1500	6	610	5	330	......	8	510	28
29	Marion	530	22436	..	120847	54	6964	126	57150	3	950	2	250	..	.....	......	1	50	29
30	Mississippi	258	57614	42	245129	.....	....	509	236230	1	500	..	......	..	.....	......	....	......	30
31	Monroe	330	129840	..	612[illegible]42	23	2755	551	299200	...	....	..	......	..	.....	500	15	1655	31
32	Montgomery	353	11479	..	81941	28	1348	48	25550	4	3200	2	200	1	125	......	1	55	32
33	Newton	329	7533	..	40607	17	755	22	10200	...	....	..	......	4	400	......	....	......	33
34	Ouachita	972	116525	..	510765	285	129554	2260	1024264	9	8325	4	2750	..	.....	4575	47	6090	34
35	Perry	194	19671	31	77455	54	1425	36	19200	2	5200	..	......	..	.....	......	....	......	35
36	Phillips	905	308210	..	1889956	1091	158170	2712	1446446	5	11530	2	1000	3	500	3580	56	7710	36
37	Pike	316	19292	..	78072	31	3013	72	36450	2	1000	..	......	..	.....	......	2	85	37
38	Poinsett	434	67486	..	262178	20	1815	286	151690	...	....	..	......	1	100	......	1	75	38
39	Polk	268	3410	..	17154	51	1260	44	18950	1	400	..	......	..	.....	......	....	......	39
40	Pope	723	51382	17	203427	109½	16805	393	175680	7	7270	8	1692	..	.....	......	12	750	40
41	Prairie	555	161179	..	574570	223	29385	619	290396	1	2000	..	......	..	.....	700	15	980	41
42	Pulaski	812	165071	..	897355	4543	614337	951	460850	5	7000	2	750	..	.....	21505	93	13580	42
43	Randolph	542	51146	..	162297	222	22341	181	85171	1	4000	1	900	7	350	300	3	340	43
44	Saline	654	94846	..	304903	330	14195	410	197090	4	1150	4	830	..	.....	......	7	382	44
45	Scott	440	13906	..	68555	35	5601	106	54648	3	1800	2	150	1	100	100	4	375	45
46	Searcy	795	11824	..	82637	20	847	58	26564	1	600	2	200	4	255	50	2	125	46
47	Sevier	461	80568	..	285129	83	3260	1115	541500	3	1100	4	616	..	.....	......	13	2045	47
48	St. Francis	813	163330	..	813226	106	11525	729	390005	4	5100	..	......	..	.....	500	13	1445	48
49	Sebastian	784	75768	..	366172	792	300990	296	135550	4	4600	1	600	..	.....	3500	21	2920	49
50	Union	1057	159999	..	513843	126	51510	2504	1891035	6	4500	1	100	..	.....	1400	45	4785	50
51	Van Buren	467	16114	..	61410	24	1040	90	40300	2	600	2	180	2	260	......	2	110	51
52	Washington	1339	170396	..	575513	171	66960	837	372102	6	1900	6	1350	2	95	......	22	1999	52
53	White	1181	120576	..	445770	303	26700	482	220850	4	4350	3	810	2	150	200	22	2315	53
54	Yell	719	61248	..	248018	279	29208	407	200485	13	12400	4	450	..	.....	......	7	720	54
		33374	5024683	34	21800648	14783	2334274	38691	20177016	192	168905	103	30186	50	3795	66535	722	84723	

TABLE G.—CONTINUED.

	COUNTIES.	No. of horses and mares over 2 years old taxed.	Value of horses and mares over 2 years old taxed.	No. of mules over 2 years old taxed.	Value of mules over 2 years old taxed.	No. of Jacks & Jennies over 2 years old taxed.	Value of Jacks and Jennies over 2 years old taxed.	No. of neat cattle over 2 years old taxed.	Value of neat cattle over 2 years old taxed.	Value of all goods, wares and merchandize of merchants, commission merchants, tipplers, grocers, druggists, hucksters and traders, taxed.	Money loaned at interest beyond amount on which interest is paid.	Capital in steamboats, ferries and toll bridges taxed.	Value of gold watches and jewelry of every kind taxed.	Capital in manufactories.	Total value of taxable property.	Amount of State tax.	
1	Arkansas	651	31456	417	25329	15	975	4079	26880	17073	2765	......	2165	230	1400325	3500 71	1
2	Ashley	484	30417	202	15557	1	150	1991	16961	22057	2631	50	1362	......	668835	1689 36	2
3	Benton	1394	68428	146	10481	20	2265	3279	40290	44501	4370	......	885	6695	550389	1375 90	3
4	Bradley	719	43201	161	10451	8	700	2751	27858	26268	7983	1050	1110	......	919925	2299 81	4
5	Carroll	1676	78938	47	2490	25	3250	4449	52238	29153	5849	......	265	......	469724	1174 42	5
6	Chicot	855	46120	1028	74170	3	375	3862	29942	51005	24789	2350	7130	......	3513299	8783 18	6
7	Clark	995	55376	273	11395	5	1650	3600	34454	67190	5375	100	1445	90	1298369	3263 23	7
8	Conway	927	39543	75	4295	6	1200	3432	31094	33910	491	350	260	......	426284	1405 88	8
9	Crittenden	535	23575	178	10068	5	1250	2325	21480	1868	7600	2500	1875	......	1857868	4719 42	9
10	Crawford	1330	58891	175	10275	24	1925	3219	30795	242101	8339	7728	2480	25100	1020876	2606 71	10
11	Calhoun	366	21318	94	6555	2	450	1196	11919	13712	7654	......	442	......	388828	972 07	11
12	Columbia	752	46748	405	30506	14	20[illegible]5	2945	26818	33687	8268	310	1203	......	1319960	3295 82	12
13	Dallas	727	39152	380	23730	3	300	2469	20931	30049	7511	2597	......	......	1256087	3148 59	13
14	Desha	570	27346	314	16320	2	450	2101	19414	36490	1199	......	3330	......	1340438	3410 70	14
15	Drew	686	43021	259	19213	5	600	3383	31419	23197	1515	385	895	......	1191337	2983 28	15
16	Franklin	1093	46839	141	7170	18	1900	3249	31673	43947	7876	200	1160	......	544008	1418 07	16
17	Fulton	574	25401	22	1180	4	975	1645	18958	7846	7478	......	......	......	155993	389 92	17
18	Green	801	36722	48	3001	10	1680	2497	25550	36986	1984	......	287	......	225620	564 01	18
19	Hempstead	1620	82885	404	23546	3	350	4674	34806	30785	6272	150	6467	......	1955548	4889 00	19
20	Hot Spring	809	38113	70	4540	1	40	2274	23345	40681	3822	......	1873	......	444059	1112 21	20
21	Independence	1991	85769	167	8807	36	4170	5354	54734	123215	9482	3220	2548	......	1382078	3728 47	21
22	Izard	922	40639	68	4062	16	2375	2904	30715	11938	2213	......	75	......	283322	745 20	22
23	Jackson	1030	49373	162	8575	9	1250	3454	30918	66968	4080	......	1725	......	1486218	3755 56	23
24	Jefferson	1254	54968	579	29095	12	1340	5495	37041	198679	8899	......	5207	......	2354164	5886 14	24
25	Johnson	1176	58510	114	6910	9	1265	3821	39385	52441	9890	......	1085	......	873171	2187 92	25
26	Lafayette	506	26192	731	39389	15	1515	2817	15354	23675	6217	......	1313	......	1445803	3654 81	26

27	Lawrence................	1977	84230	73	3384	35	3900	5081	52003	22445	11293	200	697	350	647915	1927	80	27
28	Madison	1519	73102	55	3244	10	2145	3952	41754	300	8008	75	230	......	385715	966	78	28
29	Marion	1022	43750	34	1835	15	2150	2867	29891	43805	2624	......	241	......	310507	777	78	29
30	Mississippi	401	17160	196	11020	5	875	1832	13491	19834	292	......	1275	......	545806	1369	44	30
31	Monroe.................	458	23777	142	9543	10	450	1570	14430	12776	4207	200	1636	......	988771	2840	71	31
32	Montgomery	502	26355	21	1457	3	600	1893	20296	917	2109	125	50	25	164353	410	88	32
33	Newton.................	539	25250	10	575	2	230	1436	15921	3455	1701	......	......	......	99094	248	46	33
34	Ouachita................	1160	70619	569	37559	9	1195	4041	39075	167130	36961	1450	8845	......	2049157	5164	30	34
35	Perry	318	13975	21	1155	8	850	1577	14710	1300	....	......	40	......	135310	360	13	35
36	Phillips.................	1253	67491	793	53999	13	1909	4785	37136	230482	4890	......	8748	......	3423547	8815	26	36
37	Pike....................	504	23978	30	1970	....	......	1420	12647	9331	400	50	230	......	167226	418	58	37
38	Poinsett................	552	27911	84	4546	8	1500	1991	20519	6967	1370	......	311	......	478982	1577	81	38
39	Polk....................	371	17524	17	1070	3	240	1234	12770	2030	402	......	......	......	71800	179	50	39
40	Pope	1159	53769	107	5757	11	1730	3919	37244	63828	5910	......	580	6500	580942	1464	55	40
41	Prairie..................	733	34320	158	9105	4	800	2136	20926	59455	6449	......	1342	......	1030428	3559	58	41
42	Pulaski	1167	50050	192	11000	8	600	4055	31695	215824	29760	3350	10903	......	2368559	6798	17	42
43	Randolph...............	977	38678	55	2505	11	1495	2940	27800	18831	5980	6	264	400	371158	948	42	43
44	Saline	912	44105	79	4540	14	1180	2902	27813	5350	5259	25	380	......	607202	1519	89	44
45	Scott	1809	38017	29	1520	11	1218	2519	27540	36171	2010	......	324	......	238129	593	30	45
46	Searcy	1268	58836	19	950	4	725	3224	36371	16288	1499	60	......	......	226007	524	88	46
47	Sevier	957	46249	277	18580	9	2150	3636	21338	13900	3565	508	1160	......	941100	2372	96	47
48	St. Francis..............	1122	63922	217	14675	17	2110	3657	37192	68150	5860	25530	3055	......	1442295	4126	55	48
49	Sebastian	1147	53898	109	6595	14	1575	2873	32507	431195	11459	5750	5345	2560	1365216	3454	75	49
50	Union	1504	89864	895	64450	1	100	5273	42053	88073	20577	7023	105	......	2779418	6948	09	50
51	Van Buren..............	726	31672	54	2625	8	910	2009	19880	5036	896	......	75	......	164994	412	48	51
52	Washington	3257	147559	379	20023	38	4630	7293	71052	289860	38123	......	1990	3000	1596156	3998	12	52
53	White	763	38419	101	6050	7	1140	2208	25596	62932	2030	80	1405	......	845697	4471	25	53
54	Yell.....................	1079	49984	94	5795	20	1775	3657	36289	52323	2667	......	1778	......	641891	1608	25	54
		53549	2553400	11462	712637	570	72607	169245	1583406	3257405	380848	65422	97096	44950	53433853	140819	01	

TABLE II.

A STATEMENT—Exhibiting each species of property taxed in the several counties of this State, for the year 1854, *and the separate valuation of each, where practicable to obtain the same from the Tax Books; the aggregate value of taxable property in each county; and the gross amount of taxes in dollars and cents, (rejecting smaller fractions), charged to Sheriffs upon returns made to this office by the Clerks of the several counties, except from the counties of Arkansas, Fulton, Lawrence, Monroe and Polk, from which no returns have been received for the year* 1554.

	COUNTIES.	No. of persons liable to pay a poll tax.	No. of acres of land taxed.	One hundredth acres.	Value of lands and improvements taxed.	No. of town or city lots taxed.	Value of town and city lots and improvements taxed.	No. slaves over 5 and under 60 years of age taxed.	Value of slaves over 5 and under 60 years of age taxed.	No. of saw-mills taxed.	Value of saw-mills taxed.	No. of tan-yards taxed.	Value of tan-yards taxed.	No. of distilleries taxed.	Value of distilleries taxed.	Household furniture over $200 taxed.	No. of pleasure carriages taxed.	Value of pleasure carriages taxed.	
1	Arkansas	......	....	..	....	......	....	......	....	...	....	...	......	..	.....	......	....	......	1
2	Ashley	332	49093	..	169307	73	7536	791	432400	2	8000	...	......	..	.....	......	13	1235	2
3	Benton	869	102817	..	832739	145	24708	156	83200	6	6580	2	900	1	75	250	6	600	3
4	Bradley	624	71169	..	216800	85	10684	1054	614420	4	3500	2	500	..	.....	......	11	1005	4
5	Carroll	1048	56411	..	276408	87	9441	149	94570	9	4500	4	615	3	300	......	4	220	5
6	Chicot	325	202235	..	1562251	56	11075	3636	2218921	6	5500	...	......	..	.....	4860	18	2290	6
7	Clark	776	138166	..	541015	561	64284	853	500700	2	2550	...	......	1	104	900	17	1600	7
8	Conway	591	86027	..	292090	97	8272	167	92800	4	3500	1	500	..	.....	700	6	215	8
9	Crittenden	265	213662	..	1394596	183	6180	665	376830	2	8000	...	......	..	.....	200	2	400	9
10	Crawford	675	68578	88	304452	1005	154075	426	219730	4	1500	...	......	..	.....	3350	22	2905	10
11	Calhoun	293	36553	..	146689	54	3390	396	206700	...	....	2	450	..	.....	450	6	650	11
12	Columbia	770	198425	..	582073	111	7037	1197	655395	4	1475	1	160	..	.....	520	40	3571	12
13	Dallas	645	115549	23	414908	101	18980	1911	1156075	5	8800	...	......	..	.....	50	36	5790	13
14	Desha	488	140786	..	740369	148	44110	1376	683190	3	1000	...	......	..	.....	200	1	125	14
15	Drew	482	156242	..	551401	88	16839	980	568850	5	2675	2	550	..	.....	500	20	2105	15
16	Franklin	532	56176	..	219219	114	18739	447	219470	6	1680	3	140	..	.....	200	2	250	16
17	Fulton	......	....	..	....	......	....	......	....	...	....	...	......	..	.....	......	....	......	17
18	Green	617	25680	..	120718	50	2805	63	31475	1	100	1	280	1	30	......	4	460	18

19	Hempstead	686	230887	84	832014	805	64028	2026	1091685	5	3000	3	450	..	.....	4500	50	6835	19
20	Hot Springs	577	46722	..	192579	6	3500	247	140400	4	1250	1	750	1	50	3450	11	970	20
21	Independence	1328	191915	..	761380	578	118456	717	347555	9	4800	4	1450	..	.....	2500	20	1750	21
22	Izard	611	34497	..	157240	30	758	198	104650	6	8180	4	280	8	442	.....	...	.....	22
23	Jackson	730	159448	..	1048692	143	59810	856	476430	1	2500	2	1800	..	.....	200	15	1525	23
24	Jefferson	515	150262	..	811173	184	92900	2176	1155910	7	12100	...	.....	..	.....	3300	14	1975	24
25	Johnson	650	87990	16	355065	486	51260	569	311880	9	9100	2	4000	2	60	1300	6	850	25
26	Lafayette	286	122853	70	530879	40	3882	1942	938720	1	500	1	300	..	.....	1100	6	1320	26
27	Lawrence	.....	.....	..	.....	.....	.....	.....	.....	..	.....	...	.....	..	.....	.....	...	.....	27
28	Madison	858	45650	..	204508	86	18150	151	88400	4	1725	5	570	7	475	.....	5	290	28
29	Marion	544	30828	..	174641	58	10541	132	67080	3	875	...	.....	1	60	.....	1	50	29
30	Mississippi	252	22255	23	276333	14	250	472	213850	..	.....	...	.....	..	.....	.....	...	.....	30
31	Monroe	.....	.....	..	.....	.....	.....	.....	.....	..	.....	...	.....	..	.....	.....	...	.....	31
32	Montgomery	397	59466	19	101331	39	2585	57	33750	5	3700	1	150	2	200	100	1	100	32
33	Newton	408	9288	..	54592	44	1940	24	11700		.....	...	.....	5	455	.....	...	.....	33
34	Ouachita	1000	112694	..	474878	312	171375	2251	1279110	8	7075	4	2650	..	.....	4575	68	7735	34
35	Perry	198	21007	85	87593	57	1765	45	27800	2	3200	1	200	..	.....	.....	...	.....	35
36	Phillips	902	326653	74	1598478	1025	203956	3111	1819163	6	13100	2	1100	..	.....	5500	68	9410	36
37	Pike	342	23831	..	101265	80	3980	97	61355	2	800	...	.....	..	.....	.....	7	595	37
38	Poinsett	895	65465	..	280597	22	1245	341	226350	1	500	7	850	..	.....	.....	...	.....	38
39	Polk	.....	.....	..	.....	.....	.....	.....	.....	..	.....	...	.....	..	.....	.....	...	.....	39
40	Pope	739	56956	23	257703	139	20763	462	241785	8	2600	4	1380	..	.....	.....	12	1145	40
41	Prairie	490	189270	..	696360	194	24339	825	431650	1	2000	...	.....	..	.....	600	30	2898	41
42	Pulaski	660	196048	..	872867	3631	641722	1027	570580	3	4500	1	50	..	.....	20210	68	12585	42
43	Randolph	592	57271	..	231563	248	17807	202	105525	2	530	1	900	1	40	.....	4	315	43
44	Saline	635	98302	..	360465	224	10710	416	232915	4	600	3	650	..	.....	200	12	955	44
45	Scott	370	12895	..	64064	28	7010	102	58996	2	1300	1	100	1	100	100	3	325	45
46	Searcy	548	20837	86	127452	10	526	48	29400	1	280	...	.....	..	.....	.....	1	50	46
47	Sevier	479	100688	50	400959	82	5755	1351	735600	4	5900	5	1075	..	.....	.....	14	3640	47
48	St. Francis	753	188848	45	1021180	16	10465	967	577200	5	8700	...	.....	..	.....	500	25	2850	48
49	Sebastian	743	75349	88	389479	1438	865457	324	170550	3	4050	...	.....	..	.....	4250	26	3600	49
50	Union	1100	170023	..	533262	124	51029	3382	2079585	6	3950	1	100	..	.....	1200	42	6450	50
51	Van Buren	470	20052	..	78513	21	1200	72	34725	2	600	2	275	3	305	.....	...	.....	51
52	Washington	1452	188647	..	643754	222	86651	859	417570	6	1930	4	700	2	150	400	19	2305	52
53	White	708	133170	..	497954	324	39640	488	280200	6	4250	3	325	1	100	300	36	3192	53
54	Yell	703	6338	..	263084	272	34110	408	212030	15	12080	4	500	..	.....	.....	6	360	54
		30893	5025926	69	22846427	13898	2585170	40612	22728825	198	174585	84	24200	35	2946	66465	773	97496	

TABLE H.—CONTINUED.

	COUNTIES.	No. of horses and mares over 2 years old taxed.	Value of horses and mares over 2 years old taxed.	No. of mules over 2 years old taxed.	Value of mules over 2 years old taxed.	No. of jacks and jennies over 2 years old taxed.	Value of jacks and jennies over 2 years old taxed.	No. of neat cattle over 2 years old taxed.	Value of neat cattle over 2 years old taxed.	Value of all goods, wares and merchandize of merchants, commission merchants, tipplers, grocers, hucksters and traders taxed.	Money loaned at interest beyond amount on which interest is paid.	Capital in steamboats, ferries and toll bridges taxed.	Value of gold watches and jewelry of every kind taxed.	Capital in manufactories.	Total value of taxable property.	Amount of State tax.	
1	Arkansas									....	....	......	....	......	....	....	1
2	Ashley	455	29965	208	17335			2080	16958	5881	2958	255	885	......	687710	1721 14	2
3	Benton	1571	84800	142	10960	27	8495	3652	52648	16500	4927	......	300	6000	628677	1577 11	3
4	Bradley	769	51535	197	14970	5	1090	3622	32334	3876	8446	500	1780	......	961440	2416 94	4
5	Carroll	1795	95331	84	2075	81	4045	4589	65721	20630	8870	......	330	......	583056	1462 47	5
6	Chicot	886	52632	1170	91165	2	300	4111	83071	79727	32286	2000	9735	......	4105813	12312 97	6
7	Clark	1041	62670	193	15065	7	830	3771	38161	47634	6550	......	735	......	2282798	3208 41	7
8	Conway	866	46597	81	5589	8	1330	3273	37694	57588	3329	450	825	......	551479	2330 94	8
9	Crittenden	501	25110	192	11618	3	350	2510	22671	1900	6290	6000	2355	......	1862450	4671 89	9
10	Crawford	1527	78460	162	12100	21	1970	3355	44316	....	10983	7090	3465	1000	845396	2113 49	10
11	Calhoun	351	24193	111	9075	2	350	1382	14188	31478	4518	633	......	......	442764	1105 81	11
12	Columbia	782	53600	415	34175	4	565	3093	28580	1980	10836	442	1240	275	1381924	3454 81	12
13	Dallas	880	58827	450	35966	2	350	8255	80307	22413	15930	......	3906	......	1767302	4437 45	13
14	Desha	658	33199	439	31662	1	500	8471	22326	38430	1299	80	5620	65	1602125	4095 56	14
15	Drew	716	46476	801	24423	3	550	8474	83273	13617	1782	300	1320	......	1264661	3251 58	15
16	Franklin	1026	50347	191	9995	21	2680	3111	34763	114	7260	......	500	......	565357	1422 94	16
17	Fulton	.....	....	......	......	....	......	......	....	....	....	......	......	......	....	....	17
18	Green	828	43578	25	1650	12	1450	2354	27740	9507	2907	......	470	......	243170	609 21	18
19	Hempstead	1561	93550	504	33412	6	600	5219	42118	43934	16170	600	7440	125	2240461	5601 94	19
20	Hot Spring	709	42629	91	6726	8	1290	2740	28254	8982	3180	......	687	......	484697	1092 67	20
21	Independence	1988	99633	171	11675	34	4000	4753	67854	34406	21753	1600	3935	......	1482247	4362 00	21
22	Izard	871	48380	68	4685	19	2800	2851	37074	9603	2472	......	155	......	376719	941 17	22
23	Jackson	983	55091	133	9385	12	1380	3539	32877	59310	8455	3500	2820	145	1762920	4586 41	23
24	Jefferson	1055	57561	582	38394	12	1290	5191	88197	164250	6976	......	5425	......	2389451	6061 52	24
25	Johnson	1195	64115	176	11615	14	1535	3577	44005	800	17710	300	1770	......	875365	2188 41	25
26	Lafayette	510	28440	691	37679	6	1025	2911	16971	21600	6900	......	1573	......	1590389	3982 41	26

27	Lawrence	......	......	......	......	...	......	......	......	......	......	......	......	......	......	......	27
28	Madison	1634	87512	57	3555	17	1865	2642	48058	11456	275	......	......	......	466839	1148	14	28
29	Marion	927	48698	15	1210	17	2895	2621	35214	24979	902	481	433	......	867559	918	31	29
30	Mississippi	843	20252	178	11180	8	855	1720	17291	23065	200	......	960	......	564186	1400	46	30
31	Monroe	......	......		......	...	......	......	......	......	......	......	......	......	......	......		31
32	Montgomery	597	35010	25	2170	2	450	2388	27255	3285	6863	......	170	......	217119	527	34	32
33	Newton	583	33100	9	643	5	620	1807	18655	4333	1170	29	......	......	127287	316	99	33
34	Ouachita	1212	89848	595	48089	7	1925	4520	44775	157752	43485	16500	7980	......	2349888	5877	95	34
35	Perry	357	18415	40	3055	8	1450	1637	16225	1400	......	......	220	......	161823	408	93	35
36	Phillips	1149	67814	1023	80215	9	1850	4987	42100	3050	5475	800	10867	......	3862873	9946	72	36
37	Pike	517	80581	56	3965	...	......	1461	14834	2120	604	......	230	10	220339	553	20	37
38	Poinsett	590	33380	104	7245	10	1330	2192	24884	4850	3320	500	385	......	584936	2949	87	38
39	Polk	......	......	......	......	...	......	......	......	......	......	......	......	......	......	......		39
40	Pope	1267	61493	181	8930	13	1785	3666	41433	6710	2970	......	275	6500	655472	1651	71	40
41	Pratrie	832	44505	210	14395	12	2180	2170	26466	19070	8790	......	1885	......	1270138	3938	83	41
42	Pulaski	1136	58015	201	15440	10	1550	3976	36136	......	9689	......	11870	100	2254814	5857	42	42
43	Randolph	1102	48934	40	2358	13	1791	2822	35478	5143	5078	9010	448	......	464920	1214	69	43
44	Saline	928	52689	93	6222	10	1315	3542	34098	10890	5120	20	......	......	716849	1793	44	44
45	Scott	694	39496	19	1340	10	1610	1944	25878	13036	6267	......	828	......	219950	547	30	45
46	Searcy	882	42281	23	1385	3	555	2036	26584	10342	1062	......	......	......	239917	599	91	46
47	Sevier	1106	62580	376	28920	13	2500	4208	31118	12190	6120	525	2275	......	1299157	3249	90	47
48	St. Francis	1168	75375	271	19640	24	3365	3911	41718	69700	4455	7000	3930	......	1846078	5338	09	48
49	Sebastian	1160	60857	153	8785	37	3162	2547	34713	187298	12305	3350	4720	......	1252576	3138	57	49
50	Union	1595	108216	888	77597	...	......	6284	49069	79303	29975	......	7475	......	3027211	7566	50	50
51	Van Buren	710	38571	45	2695	8	875	2349	25967	2115	1795	......	50	......	187686	470	44	51
52	Washington	3397	186490	388	27230	38	4610	8055	88721	......	34695	......	2436	2000	1499642	3836	46	52
53	White	796	47550	112	8640	4	990	2589	30798	34486	4638	30	1275	......	954368	2637	98	53
54	Yell	1042	55987	120	7625	16	1800	3494	41556	4814	2670	......	1820	......	637936	1594	88	54
		49243	2766504	11894	873873	554	74603	161902	1701120	1385047	405705	61945	116303	16220	55377384	146488	28	

TABLE I.

A STATISTICAL TABLE—Showing each species of property taxed in the State, and the separate value of each; the total value of property taxed in the State annually for nine years, commencing with the year 1838, *and ending with the year* 1846, *and the amount of taxes charged thereon for each year, as shown in former reports; during this whole period the rate of State Tax remained at one-eighth of one per cent. on the assessed value of taxable property, and no change of any importance was made in the Revenue Law. To ascertain, in detail, the state of the returns from the respective counties, for each year, reference should be made to the several statements from which this has been formed.*

Years.	White population.	Slave population.	No. of acres of land taxed.	100th of an acre.	Value of lands and improvements taxed.	No. of town lots taxed.	Value of town lots and improvements taxed.	No. of slaves over 8 and under 60 years of age taxed.	Value of slaves over 8 and under 60 years of age taxed.	No. of saw-mills taxed.	Value of saw-mills taxed.	No. of tan-yards taxed.	Value of tan-yards taxed.	No. of distilleries taxed.	Value of distilleries taxed.	Household furniture over $200 taxed.	No. of pleasure carriages taxed.	Value of pleasure carriages taxed.
1838	53905	15444	223984	.....	$ 7274625 00	1370	$ 601908 00	5717	$2831150	49	$ 87860	19	$ 10250	23	$ 2575	......	26	$ 5415
1839	....	....	2656856	07	12541651 16	4446	1150401 50	10629	5937933	76	138107	42	21746	36	6951	9746	68	13660
1840	77174	19985	2535805	36	11325424 70	5226	1410506 25	10148	5465345	84	162251	34	15088	55	8145	27750	79	16885
1841	....	....	2989583	75	12476414 25	6193	1703624 00	13072	6432024	88	161556	33	16195	58	9780	23350	100	19060
1842	83193	21054	2872275	70	11156736 21	6182	1488472 83	13345	6434307	100	143810	36	12370	41	5634	12450	85	15613
1843	....	....	3048168	98	10038916 17	7260 8/4	1196472 33	15052	5964880	83	99753	41	16685	48	6617	14140	111	15780
1844	....	....	2909124	10	10706350 82	7056	596539 33	15544	5968348	92	92700	62	19060	48	4665	12750	112	15767
1845	....	....	3113944	26	10666603 38	6686¼	498855 50	18180	6773432	98	71800	65	20050	38	8758	11600	138	17820
1846	111125	82845	3068593	85	10845880 68	7318¼	452616 50	19904	7618731	90	62885	56	14165	38	3222	11300	153	20005

TABLE I.---CONTINUED.

Years.	No. of horses and mares over 3 years old taxed.	Value of horses and mares over 3 years old taxed.	No. of mules over 2 years old taxed.	Value of mules over 2 years old taxed.	No. of jacks and jennies over 2 years old taxed.	Value of jacks and jennies over 2 years old taxed.	No. of neat cattle over 3 years old taxed.	Value of neat cattle over 3 years old taxed.	Capital employed in merchandizing taxed.	Money loaned at interest taxed.	Capital in steamboats taxed.	Pedlars of merchandize licenses.	Pedlars of clocks licences.	Total value of taxable property.	Total amount of State tax.
1838	13779	$ 768112 00	....	....	....	....	35781	$ 399032 00	$ 401193 00	....	....	....	....	$ 15564284 00	$ 21159 74
1839	22753	1424825 00	1064	$ 73542	107	$ 30886	58287	761068 00	1064314 61	$ 92358 75	$ 16500	700	250	23283691 02	30446 12
1840	23881	1397668 50	1124	69756	140	32790	59070	755171 50	100017 44	102435 00	31200	25	300	22011433 35	31095 03
1841	27902	1526971 00	2868	128073	208	38595	71121	833635 00	620326 42	117819 00	11700	575	....	24119122 67	31956 57
1842	28918	1451955 00	2515	129897	224	35102	77240	870035 50	447245 56	92522 00	6800	....	....	22302990 10	30402 59
1843	31418	1316544 26	3260	133795	239	24792	86894	757558 00	424571 96	79003 25	800	275	....	21090267 97	31040 05
1844	31288	1108099 00	3469	130391	246	17865	86910	653818 50	554749 44	59145 41	600	25	....	19940848 50	26752 52
1845	34248	1097985 50	4090	144211	253	17166	97828	669207 50	722417 95	52336 00	2250	775	100	20769514 33	30154 57
1846	33198	1043789 00	4489	161549	220	14660	92527	628738 50	704186 07	68803 00	9312	75	....	21159857 75	28860 31

TABLE J.

STATEMENT showing each species of property taxed in the State, and the separate value of each, the total value of property taxed and the amount of taxes charged thereon for the years 1847, 1848, 1849, 1850, 1851, 1852, 1853, *and* 1854. *From the county of Green no return has been made for the year* 1847, *and no return has been made from the counties of Searcy and White for the year* 1852, *nor has any returns been made from the counties of Fulton, Arkansas, Lawrence, Monroe and Polk, for the year* 1854.

Years.	No. of persons liable to pay a poll tax.	No. of acres of land taxed.	One hundredth acres.	Value of lands and improvements taxed.	No. of town lots taxed.	Value of town lots taxed.	No. of slaves over five and under 60 years of age taxed.	Value of slaves over five and under 60 years of age taxed.	No. of saw-mills taxed.	Value of saw-mills taxed.	No. of tan-yards taxed.	Value of tan-yards taxed.	No. of distilleries taxed.	Value of distilleries taxed.	Household furniture over $200 taxed.	No. of pleasure carriages taxed.	Value of pleasure carriages taxed.	No. of horses and mares over two years old taxed.	Value of horses and mares over two years old taxed.
1847....	20176	3301459	95	$12502827 43	7578	$ 1082532	24986	$ 9768421	112	$ 72613	75	$ 20664	48	$ 3864	$ 41278	220	$ 27405	40320	$ 1227600
1848....	22386	3503444	98	13328762 82	8218	1171964	27164	10682179	121	83370	74	21330	46	4128	39035	235	29575	43068	1481761
1849....	25085	4954965	95	15242652 89	8903	1822788	30133	11856711	131	81171	92	24945	51	4239	42685	248	32057	45296	1593729
1850....	27844	5102205	78	16207021 11	11230	1521180	32996	13671201	148	100430	94	28830	31	2680	41160	313	37886	47924	1786425
1851....	31352	4397849	10	17496826 00	12592	1825947	34687	16253453	173	129840	88	30925	40	3998	53665	430	49344	48960	2055854
1852....	30885	4187010	65	17962017 00	28488	1989658	48491	17193132	202	147906	89	23028	44	4140	58379	525	65757	48203	2125080
1853....	33874	5024683	34	21800648 00	14783	2334274	38691	20177016	192	168905	103	30186	50	3795	66535	722	84723	53549	2553400
1854....	30893	5025926	69	22346427 00	18898	2535170	40612	22728825	198	174535	84	24200	35	2946	66465	773	97496	49243	2766504

TABLE J.—CONTINUED.

Years.	No. of mules over two years old taxed.	Value of mules over two years old taxed.	No. of jacks and jennies over two years old taxed.	Value of jacks and jennies over two years old taxed.	No. of neat cattle over two years old taxed.	Value of neat cattle over two years old taxed.	Value of all goods, wares and merchandize of merchants and commission merchant, ect. taxed.	Money loaned at interest beyond amount over which interest is paid taxed.	Capital in steamboats, ferries and toll-bridges taxed.	Value of gold watches and jewelry of all kinds taxed.	Capital employed in manufactories taxed.	Pedlers of merchandize licenses.	Pedlers of clocks licenses.	Keepers of billiard tables and ten-pin alleys licenses.	Total amount of taxable property.	Total amount of State tax.
1847....	4819	$ 196779	314	$ 17881	121072	$ 723809	$ 1311916	$ 103312	$ 19184	$ 48245	$ 10900	700	$ 150	$ 125	$ 27178875 48	$ 70498 72
1848....	5259	233390	276	21368	122913	804277	790426	122936	29648	52178	8280	200	100	75	28904596 88	75178 17
1849....	6542	295989	316	27150	133796	876716	1782304	139082	20885	58147	5362	750	150	75	33406612 99	87936 26
1850....	7359	364594	354	36135	144202	993860	1266423	162499	23863	54963	19628	125	100	......	36317832 74	97008 87
1851....	8467	477254	454	50371	160276	1201684	2927344	261158	14800	80371	27681	175	25	......	42939515 00	89637 70
1852....	9747	569448	546	63663	15468	2027647	1090760	306572	22253	93045	13835	25	......	......	42900080 00	92970 77
1853....	11462	712637	570	72607	169245	1583406	3257405	380848	65422	97096	44950	....	......	......	53433853 00	140810 01
1854....	11894	873873	554	74603	161902	1701120	1385047	405705	61945	116303	16220	....	......	......	55377384 00	146488 28

The above statements have been prepared to show the operation of the revenue laws. Table marked "I" exhibits the amounts of revenue charged on taxable property for each of the years stated, under the Revenue Act of 5th of March, 1838; Table marked "J" exhibits the amounts of revenue charged on taxable property for the years 1847, 1848, 1849 and 1850, under the Revenue act of 5th March, 1838, as amended by the Revenue Act approved 16th December, 1846; and for the years 1851 and 1852, under the Revenue Act of 16th December, 1846, as amended by the Revenue Act of 11th January, 1851; and for the years 1853 and 1854, under Revenue Act of 16th December, 1846, revised by act of January, 1853.

AUDITOR'S OFFICE,
Little Rock, Ark., 1st Oct., 1854.

WILLIAM R. MILLER, *Auditor of Public Accounts, of the State of Arkansas.*

TABLE K.

A STATEMENT—Showing the balance of the Internal Improvement Fund remaining in the Treasury, and due to counties on the 1st *October*, 1852, *the several distributions made to each county during the two years ending with* 30th *September*, 1854; *the amount of warrants drawn thereon during the same period, and the balance remaining in the Treasury and due to counties on the* 1st *October*, 1854.

	COUNTIES.	Balance due 1st Oct., 1852.	Distribution 1st Jan., 1853.	Distribution 1st July 1853.	Distribution 1st Jan., 1854.	Distribution 1st July, 1854.	Amount distributed for the two years ending 30th September, 1854, including balance due 1st October, 1852.	Amount of warrants drawn during the 2 years ending 30 Sept., 1854.	Balance due and remaining in the Treasury 1st October, 1854.
1	Arkansas,	$ 509 87	$ 872 04	$ 1093 67	$ 370 78	$ 671 60	$ 3517 96	$ 3517 96	....
2	Ashley,	450 69	872 06	1093 67	390 78	671 60	3458 80	3458 80	....
3	Benton,	450 69	872 06	1093 67	370 88	671 60	3458 80	2787 20	$ 671 60
4	Bradley,	509 87	872 06	1093 67	470 78	671 60	3517 98	3517 98	....
5	Carroll,	509 87	872 05	1093 67	370 78	671 60	3517 97	2475 59	1042 88
6	Chicot,	509 87	872 05	1093 67	370 78	671 60	3517 97	2475 59	1042 88
7	Clark,	....	872 05	1093 67	370 78	671 60	3008 10	3008 10	....
8	Conway,	450 69	872 05	1093 67	370 78	671 60	3458 79	3458 79	....
9	Crittenden,	450 69	872 05	1093 67	370 78	671 60	3458 79	3458 09	....
10	Crawford,	....	872 06	1093 67	370 78	671 60	3008 11	3008 11	....
11	Calhoun,	509 87	872 04	1093 67	370 78	671 59	3517 95	3517 95	....
12	Columbia,	....	872 04	1093 67	370 78	671 59	3008 08	1965 71	1042 37
13	Dallas,	....	872 05	1093 67	370 78	671 60	3008 10	3008 10	....
14	Desha,	....	872 05	1093 67	370 79	671 59	3008 10	3008 10	....
15	Drew,	....	872 04	1093 67	370 79	671 59	3008 09	3008 09	....
16	Franklin,	....	872 04	1093 67	370 79	671 59	3008 09	3008 09	....
17	Fulton,	....	872 04	1093 67	370 79	671 59	3008 09	3008 09	....
18	Green,	509 87	872 04	1093 67	370 79	671 58	3517 96	3517 96	....
19	Hempstead,	1835 36	872 03	1093 67	370 79	671 59	4843 44	4843 44	....
20	Hot Spring,	....	872 03	1093 67	370 79	671 59	3008 08	3008 08	....
21	Independence,	....	872 03	1093 67	370 79	671 59	3008 08	3008 08	....
22	Izard,	509 88	872 03	1093 67	370 79	671 59	3517 96	2846 37	671 59

23	Jackson,	....	872 03	1093 67	370 79	671 60	3008 08	2336 49	671 59
24	Jefferson,	....	872 03	1093 67	370 79	671 60	3008 08	3008 08	....
25	Johnson,	....	872 04	1093 67	370 79	671 60	3008 09	2336 50	671 59
26	Lafayette,	509 88	872 02	1093 67	370 79	671 60	3517 95	2475 57	1042 38
27	Lawrence,	450 70	872 02	1093 67	370 79	671 60	3458 77	2787 18	671 59
28	Madison,	450 70	872 04	1093 67	370 79	671 60	3458 79	3458 79	....
29	Marion,	509 88	872 04	1093 67	370 79	671 60	3517 97	3517 97	....
30	Mississippi,	450 70	872 03	1093 67	370 79	671 60	3458 78	3458 78	....
31	Monroe,	....	872 03	1093 67	370 79	671 60	3008 08	3008 08	....
32	Montgomery,	....	372 03	1093 67	370 79	671 60	3008 08	3008 08	....
33	Newton,	....	872 03	1093 66	370 79	671 60	3008 08	3008 08	....
34	Ouachita,	....	872 03	1093 66	370 79	671 60	3008 08	2336 48	671 60
35	Perry,	....	872 03	1093 66	370 79	671 60	3008 08	3008 08	....
36	Phillips,	450 70	872 02	1093 66	370 79	671 60	3458 77	3458 77	....
37	Pike,	....	872 03	1093 66	370 79	671 60	3008 08	3008 08	....
38	Poinsett,	....	872 04	1093 66	370 79	671 60	3008 09	3008 09	....
39	Polk,	....	872 06	1093 66	370 79	671 60	3008 11	3008 11	....
40	Pope,	777 56	872 05	1093 66	370 79	671 60	3785 66	3785 66	....
41	Prairie,	....	872 04	1093 66	370 79	671 60	3008 09	3008 09	....
42	Pulaski,	....	872 04	1093 66	370 79	671 60	3008 09	3008 09	....
43	Randolph,	....	872 05	1093 66	370 79	671 60	3008 10	2336 50	671 60
44	Saline,	....	872 05	1093 66	370 79	671 60	3008 10	3008 10	....
45	Scott,	509 87	872 05	1093 66	370 79	671 60	3517 97	3517 97	....
46	Searcy,	....	872 05	1093 66	370 79	671 60	3008 10	3008 10	....
47	Sevier,	....	872 05	1093 66	370 79	671 60	3008 10	3008 10	....
48	St. Francis,	....	872 05	1093 66	370 79	671 60	3008 10	3008 10	....
49	Sebastian,	....	872 05	1093 66	370 79	671 60	3008 10	3008 10	....
50	Union,	450 70	872 04	1093 66	370 79	671 60	3458 79	2787 19	671 60
51	Van Buren,	....	872 06	1093 66	370 79	671 60	3008 11	3008 11	....
52	Washington,	450 70	872 05	1093 66	370 79	671 60	3458 80	2787 20	671 60
53	White,	....	872 05	1093 66	370 79	671 60	3008 10	3008 10	....
54	Yell,	509 87	872 05	1093 66	370 79	671 60	3517 97	2846 37	671 60
		$ 12728 48	$ 47090 27	$ 59057 96	$ 20022 53	$ 36266 19	$ 175165 43	$ 164279 96	$10885 47

TABLE L.

A STATEMENT—Showing the balance of the Seminary Fund, remaining in the Treasury on the **1st.** *Oct.,* **1852,** *the several distributions made to each county during the two years ending with* **30th** *Sept.,* **1854,** *the amount paid out during the same period, and the balance remaining in the Treasury due to counties on* **1st** *Oct.,* **1854.**

	COUNTIES.	Balance due and remaining in the Tresury 1st Oct., 1852.	Distribution 1st January, 1853.	Distribution 1st July, 1853.	Distribution 1st January, 1854.	Distribution 1st July, 1854.	Amount distributed for the two years ending 30th Sept. 1854, including balance due 1st Oct., 1852.	Amount paid out during the two years ending 30th Sept., 1854.	Balance remaining in the Treasury 1st Oct., 1854.	
1	Arkansas,.........	$ 383 39	$ 14 00	$ 41 00	$ 43 88	$ 12 90	$ 495 17	$ 438 39	$ 56 78	1
2	Ashley,...........	119 95	12 25	36 00	38 55	21 50	228 25	228 25	....	2
3	Benton,...........	248 82	33 85	97 72	105 38	61 30	547 07	485 77	61 30	3
4	Bradley,..........	158 51	21 00	62 25	67 05	34 60	344 41	308 81	34 60	4
5	Carroll,..........	347 70	35 00	104 40	112 55	74 75	674 40	487 10	187 30	5
6	Chicot,...........	30 38	8 00	23 00	24 19	11 98	97 55	....	97 55	6
7	Clark,............	42 20	25 00	73 25	78 92	41 00	260 37	140 45	119 92	7
8	Conway,...........	106 25	26 50	78 20	84 25	33 30	328 50	....	328 50	8
9	Crittenden,........	202 71	20 05	60 70	65 40	34 30	383 16	202 71	180 45	9
10	Crawford,.........	863 48	52 95	156 50	168 75	42 70	1284 38	1241 68	42 70	10
11	Calhoun,..........	....	....	....	....	17 75	17 75	....	17 75	11
12	Columbia,.........	....	....	....	....	50 44	50 44	....	50 44	12
13	Dallas,...........	494 48	34 00	101 00	108 85	34 80	773 13	629 48	143 65	13
14	Desha,............	47 85	12 00	35 75	38 13	18 35	152 08	....	152 08	14
15	Drew,.............	....	20 50	61 00	65 40	31 30	178 20	....	178 20	15
16	Franklin,.........	....	24 50	71 50	77 08	34 00	207 08	....	207 08	16
17	Fulton,...........	149 50	15 30	44 75	48 17	24 75	282 47	164 80	117 67	17
18	Green,............	35 92	21 25	63 90	67 85	39 30	228 22	35 92	192 30	18
19	Hempstead,........	1082 43	40 50	120 50	129 76	47 40	1420 59	1373 19	47 40	19
20	Hot Spring,.......	88 00	22 60	67 60	72 36	30 80	281 36	88 00	193 36	20
21	Independence,.....	79 55	47 50	140 65	151 70	84 00	503 40	419 40	84 00	21
22	Izard,............	94 98	23 65	71 00	75 65	40 80	306 08	94 98	211 10	22
23	Jackson,..........	31 50	18 50	54 50	79 13	30 40	213 53	....	213 53	23
24	Jefferson,........	110 07	27 50	81 50	87 75	47 50	354 32	....	354 32	24
25	Johnson,..........	145 37	36 75	108 75	117 05	46 00	453 92	407 92	46 00	25
26	Lafayette,........	220 15	11 00	32 25	34 44	10 75	308 59	263 40	45 19	26

27	Lawrence,.........	64 34	37 90	112 75	121 36	94 50	430 35	102 24	328 61	27
28	Madison,..........	188 15	84 50	102 00	109 88	69 38	453 91	453 91	....	28
29	Marion,...........	484 01	18 00	58 75	57 81	44 90	658 47	484 01	174 46	29
30	Mississippi,........	106 16	10 50	32 19	33 62	19 75	202 22	106 16	96 06	30
31	Monroe,...........	109 27	14 40	43 00	46 12	19 00	231 79	123 67	108 12	31
32	Montgomery,......	27 54	16 00	47 75	50 84	20 00	162 13	....	162 13	32
33	Newton,..........	53 84	13 30	39 50	42 23	20 50	169 37	....	169 37	33
34	Ouachita,.........	187 25	46 60	189 00	149 44	73 25	595 54	233 85	361 69	34
35	Perry,............	28 81	7 00	22 00	22 55	13 85	94 21	28 81	65 40	35
36	Phillips,..........	857 21	30 50	91 00	97 78	34 40	1110 89	1076 49	84 40	36
37	Pike,.............	96 27	13 00	38 00	40 38	24 35	212 00	96 27	115 78	37
38	Poinsett,..........	157 66	15 80	47 25	51 05	38 70	310 46	157 66	152 80	38
39	Polk,.............	....	9 00	27 25	28 90	12 00	77 15	36 25	40 90	39
40	Pope,.............	122 88	30 50	91 00	97 59	47 25	889 17	341 92	47 25	40
41	Prairie,...........	24 64	14 20	42 25	45 31	34 90	161 30	161 30	....	41
42	Pulaski,...........	....	27 97	88 00	89 39	46 50	246 86	110 97	135 89	42
43	Randolph,.........	44 05	25 60	76 50	82 45	38 80	267 40	....	267 40	43
44	Saline,...........	....	26 40	79 00	84 66	39 90	229 96	229 96	....	44
45	Scott,............	81 70	25 00	74 00	78 92	32 70	242 32	209 62	32 70	45
46	Searcy,...........	129 88	17 00	52 25	54 73	33 00	286 86	253 86	33 00	46
47	Sevier,...........	231 94	23 35	70 00	74 82	32 30	432 41	400 11	32 30	47
48	St. Francis,.......	63 90	37 50	112 00	120 13	57 40	390 93	333 53	57 40	48
49	Sebastian,.........	....	....	....	....	105 00	105 00	....	105 00	49
50	Union,............	229 57	57 25	170 25	183 27	79 80	720 14	640 34	79 80	50
51	Van Buren,.......	149 41	20 00	59 00	62 73	37 30	328 44	169 41	159 03	51
52	Washington,......	295 48	73 75	219 00	236 16	105 00	929 39	295 48	633 91	52
53	White,............	317 28	18 30	49 50	58 80	41 00	484 88	484 88	....	53
54	Yell,.............	87 20	21 60	65 00	69 30	41 50	284 60	87 20	196 40	54
	Total,............	$ 9071 80	$ 1289 07	$ 3825 86	$ 4132 46	$2218 60	$ 20582 07	$ 13578 15	$ 6953 92	

See totals in
rep't for 1852

TABLE M.—ESTIMATES.

ESTIMATED RECEIPTS—Of ordinary revenue and expenditures, under existing laws, for the two years ending with the 30th September, 1856 ,including funds on hand applicable to State expenditures, and treasury warrants unredeemed 1st October, 1854.

RECEIPTS.

To be paid into the State Treasury from all sources for ordinary revenue the 1st year,	$110,000 00
To be paid into the State Treasury from all sources for ordinary revenue the second year,	120,000 00
Surplus revenue to the credit of the State in the State Bank,	9,163 76
Balance due the State Treasury from the State Bank, at Little Rock, in Arkansas Bank paper, under Section 1, of appropriation act, of 10th January, 1845,	4,495 00
Balance Arkansas bank paper in the State Treasury, 1st October, 1854,	5,532 91
Balance specie in the State Treasury, applicable to State expenditures, 1st October, 1854,	29,514 29
	$278,705 96

EXPENDITURES.

Estimated pay of officers and members, and contingent expenses of the General Aseembly at the approaching session,	$35,000 00
Printing and distributing the acts and journals, will probably require	5,000 00
Printing, binding and distributing reports of supreme court, will probably require (including arrearages due,)	3000 00
To pay the salaries of the Goverenor, three Supreme and six Circuit Judges, six Prosecuting Attorneys, Secretary of State, Auditor, Treasurer Reporter of the Supreme Court, and clerk hire in the Auditor's office, all for two years,	47,000 00
To pay expenses on account of the Penitentiary,	10,000 00
To pay for stationery, printing and postage of the State officers, and for stationery and fuel for the use of the legislature,	2,500 00
All other ordinary contingent expenses of the State and State officers,	10,000 00

Estimated arrearages due from the State Treasury, on account of salaries of officers, Auditor's warrants outstanding, $1,280; old State scrip in circulation, $113 89; exclusive of interest thereon, balances due to counties, in Arkansas paper, and for all other contingent expenses of the State,	9,000 00	
To pay salaries of bank officers,	9,000 00	
Add treasury warrants unredeemed 1st October, 1854,	371 76	$132,871 76
Probable balance in the Treasury, 1st Oct., 1856,		$145,834 20

TABLE N.

A STATEMENT—Showing the amount of State bonds issued to, and sold by the Bank of the State of Arkansas, remaining unredeemed and the unpaid interest due thereon the 1st October, 1854; the number of bonds unsold, and the number of bonds which have been redeemed, as reported to the Auditor.

UNREDEEMED STATE BONDS, with the interest due thereon, 1st October, 1854.

Under what acts issued.	Number of bonds unredeemed.	Rate of interest which they bear.	Amount of bonds unredeemed.	When the bonds unredeemed will be due and payable.	Amount of interest on bonds unredeemed 1st October, 1854.	Amount of interest paid in July, 1842.	Balance of interest due on bonds 1st Oct., 1854.	Total amount of principal and interest of State bonds sold by State Bank, remaining unpaid 1st Oct., 1854.
Act approved 2d November, 1836.	37	5 per cent.	$ 37,000 00	1st January, 1887.	$ 24,208 00			
Act approved 18th Dec., 1837.	902	6 per cent.	902,000 00	1st January, 1868.	699,325 00	$ 4,980 00	$ 718,553 00	$ 1,657,553 00
	939		$ 939,000 00		$ 723,533 00			

Unsold State Bonds.

Act approved 2d November, 1836.		On file in the State Treasury, being the same bonds heretofore on deposit in the bank at Washington City.
Act approved 2d November, 1836.	5 pr ct. 154 5 pr ct. 7	Cancelled and filed with the State Treasurer before the 1st October, 1850, being the same bonds reported by the Auditor, 1st October, 1848, on hand in the State Bank.
Act approved 18th December, 1838.	6 pr ct. 300	Canceled and filed with the State Treasurer before the 1st October, 1844.

Whole Amount of Redeemed State Bonds

Act approved 2d November, 1836.	5 pr ct. 182	Cancelled and filed with the State Treasurer, before the 1st October, 1854.
Act approved 18th December, 1837.	6 pr ct. 98	Cancelled and filed with the State Treasurer, before the 1st October, 1854.

TABLE O.

A STATEMENT—Showing the indebtedness of the Real Estate Bank, on account of bonds and interest as shown by the following letter to the Auditor:

WM. R. MILLER,

Auditor of Arkansas:

SIR—The whole amount of bonds issued by the State to the Real Estate Bank, and sold for capital stock is 1,530,		$1,530,000 00
The interest accrued thereon from the 1st day of July, A. D. 1841, to the 1st day of October, A. D. 1854, is		1,216,350 00
		$2,746,350 00
Deduct 179 of the above bonds in the hands of the trustees,	$179,000 00	
Interest on said bonds and coupons taken up,	143,160 00	322,160 00
		$2,424,190 00
Amount received 7th September, A. D. 1840, from the North American Trust and Banking Company, on the hypothecation of 500 bonds,	$122,389 77	
Interest thereon from 7th September, 1840, to 1st October, 1854,	103,276 54	225,666 31
Total balance,		$2,649,856 31

Very respectfully,
Your ob't serv't,
GORDON N. PEAY.

No. 1.

A STATEMENT—Showing the number of townships in each United States land district in which swamp and overflowed lands have been selected and confirmed, and the number of acres confirmed in each distrsct.

U. S. LAND DISTRICTS.	Number of Townships.	Number of acres.	Hdths.
Batesvile,	169	1,621,347	25
Clarksville,	145	147,900	14
Champagnolle,	123	555,482	96
Fayetteville,	19	3,483	32
Helena,	202	1,799,907	11
Little Rock,	177	980,881	83
Washington,	151	458,049	20
		5,567,051	81

WILLIAM R. MILLER, *Auditor of Public Accounts of the State of Arkansas.*

AUDITOR'S OFFICE,
Little Rock, Arkansas,
1st October, 1854.

No. 2.

A STATEMENT—Showing the number of acres of land reported to the Auditor as sold by the old board of swamp land commissioners, and the amount reported as paid in levee work, swamp land scrip and cash. The scrip and cash remain in the hands of the commissioners—none having been reported as paid into the State Treasury.

No. of Acres.	How paid for.		
	Levee work,	Swamp land scrip.	Cash.
827,542 12-100ths	$272,159 40	$186,892 40	$25 28

WM. R. MILEER, *Auditor of Public Accounts of the State of Arkansas.*

AUDITOR'S OFEICE,
Little Rock, Arkansas,
1st October, 1854.

No. 3.

A STATEMENT—Showing the amount of Auditor's warrants issued, on account of swamp and overflowed lands, commencing with the second quarter of 1853, and ending with the third quarter of 1854, and the total amount issued during said period.

WHEN ISSUED.	AMOUNT.
2d quarter of 1853,	$ 29,786 29
3d quarter of 1853,	200,051 72
4th quarter of 1853,	55,041 59
1st quarter of 1854,	254,225 93
2d quarter of 1854,	346,684 63
3d quarter of 1854,	27,400 93
Total amount issued,	$913,191 09

WM. R. MILLER, *Auditor*
of Public Accounts of the
State of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Arkansas,
1st October, 1854.

No. 4.

A STATEMENT—Showing the number of acres of land sold by the new board of swamp land commissioners as reported to the Auditor, and how paid for, and the amount of scrip paid into the Treasury of the State of Arkansas on account thereof.

No of Acres.	Swamp Land Scrip.	Amount paid into the State Treasury in Swamp Land Scrip.
166,735 71	103,499 70	$103,499 30

WM. R. MILLER, *Auditor*
of Public Accounts of the
State of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Arkansas,
1st October, 1854.

No. 5.

A STATEMENT—Showing the number of acres of swamp and overflowed land, sold in each swamp land district, the amount of swamp land scrip and cash reported as received by each agent, and the amount paid by each agent, into the Treasury of the State of Arkansas as evidenced by receipts of the State Treasurer, on file in the Auditor's office.

Swamp Land Districts.	No. of acres sold.	Hdths	Amount in Swamp L'nd Scrip.	Amount in cash.	Am'nt paid into the State Treas'y as pr rec'ts in sc'p
Dardanelle,................	9,027	12	$ 5,462 13	$ 582 71	$ 5,740 25
Helena,...................	330,873	15	207,595 90	....	207,670 50
Jacksonport,..............	30,559	76	20,542 62	....	20,542 62
Pine Bluff,................	123,675	07	71,546 68	182 84	73,534 30
Washington,..............	15,812	41	9,338 09	....	9,354 96
	509.947	51	$ 314,485 42	$ 765 55	$ 316851 63

WM. R. MILLER, *Auditor*
of Public Accounts of the
State of Arkansas.

AUDITORS OFFICE
Little Rock, Arkansas,
Oct. 1st, 1854.

QUARTERLY REPORTS

OF

C. C. DANLEY,

AUDITOR OF PUBLIC ACCOUNTS.

Pleas before the Hon. WM. H. FIELD, Judge of the Pulaski Circuit Court, on the 26th day of June, A. D. 1854, in the following case.

Proceedings had 19th June, 1854.

Elias N. Conway, as Governor, *Relator*, vs. C. C. Danley, as Auditor of Public Accounts, *Defendant.*	ON PETITION FOR MANDAMUS.

This day comes the relator, by attorney, and files his petition and exhibits referred to therein for a writ of mandamus against said C. C. Danley, as Auditor of Public Accounts of the State of Arkansas.

STATE OF ARKANSAS, } *ss.*
COUNTY OF PULASKI. }

To the Honorable the Circuit Court of Pulaski county, in the State of Arkansas:

The relator, Elias N. Conway, as Governor of the State of Arkansas, would respectfully represent and relate,

That he, as the Executive of said State, addressed an official communication, bearing date, the 28th Sept., 1853, to Christopher C. Danley, who then was, and from thence has continued to be, Auditor of Public Accounts of the State of Arkansas, in and by which official letter, said Auditor was respectfully requested to make the quarterly reports to the Governor, in accordance with section 51 of chapter 23, of the Digest of the Statutes of Arkansas, for each quarter, commencing with the fourth quarter of the year 1852, it being stated therein, as was or is true, that the Executive had no official information of the State Treasury since the 30th September, 1852, and said Auditor was, in, and by said letter, further requested and desired to show in each quarterly report, the amount of warrants drawn on each appropriation, the amount of Treasury warrants outstanding and unredeemed at the end of each quarter, and the amount of money in the Treasury applicable to the redemption of such warrants, and such other information as should be necessary to perfect and explain the same.

And although said letter was delivered to, and came to the hands of said Auditor within a few days after the date thereof, he wholly neglected and refused to respond thereto, or furnish said information, or give any intimation that he intended to perform the duty enjoined by law, and required by the Governor of him, as an officer of the Executive Department.

And said Auditor having so failed and refused, the relator, on 30th day of January, 1854, more than four months after the date of said letter, being still without any response thereto, addressed another official communication to said Auditor, calling his attention to said letter of the 28th September, 1853, endorsing therein a copy thereof: in and by which said last mentioned communication, the relator, as Governor aforesaid, renews his said application and request, and demanded that said Danley, as such Auditor, should furnish him in writing, from the records of the Auditor's office, the information required by said letter, of the 28th of September, 1853, as early as practicable.

And although said second letter was delivered and came to the hands of said Auditor, within a few days after the date thereof he wholly neglected and refused, and still neglects and refuses to respond thereto, or to furnish said information specially requested of him in said first letter, and referred to in said second letter by reference to said contents of said first letter, or give any intimation that he intended to perform the duty enjoined by law, and required by the Governor of him as aforesaid, as an officer of the Executive Department, full, true and correct copies of which two several letters are hereunto annexed, and severally marked exhibits A and B, and which are prayed to be recorded as part of this petition, and the contents whereof, by reference thereto will more fully appear, and your relator further relates that the said Christopher C. Danley, (who, at the time of the writing and reception of the said two letters,) was, had ever since been, and now is Auditor of the Public Accounts of the State of Arkansas, by neglecting and refusing to comply with, and respond to the request in said letters contained, or to give to this relator such information or make such quarterly report as was required of him by this relator, by said letters hereunto annexed marked exhibits "A" and "B," or in any way perform the duty required by law, by virtue of said 51st section of chapter 23, of Digest of the Statutes of Arkansas, and the performance of which was required by him as aforesaid, by the relator, as Governor of the State of Arkansas is a denial of right and justice and in no wise warranted by law, and this relator relates that he is aggrieved and injured thereby.

Wherefore, and inasmuch as the relator hath no other adequate specific legal remedy, save by an appeal to the remedial powers and justice of this court, he prays that an alternative writ of mandamus may be issued, directed to the said Christopher

C. Danley, Auditor of the Public Accounts of the State of Arkansas, commanding him as such Auditor, to make the quarterly report to the relator, as Governor of the State of Arkansas, in accordance with section 51 of chapter 23, Digest of the Statutes of Arkansas, for each quarter commencing with the fourth quarter of 1852.

And that in each quarterly report, and in each of them the said Christopher C. Danley, as Auditor of the State of Arkansas, to show and report the amount of warrants drawn on each appropriation, the amount of Arkansas Treasury warrants redeemed at the end of each quarter, and the amount of money in the Treasury applicable to the redemption of such warrants, and such other information as is required to perfect them, and each of them according to the statute in such case made and provided, or to show cause to the court here, on a day to be named for that purpose, why he should not do so; and if he show no sufficient cause, a peremptory writ of mandamus issue in the premises, etc., and the relator, etc.

CURRAN & GALLAGHER,
Attorneys for Relator.

Filed 19th June, 1854.

G. N. PEAY, *Clerk.*

Writ of alternative mandamus issued 20th June, 1854.

Exhibit A, referred to in the case of

The Governor of the State of Arkansas, vs. C. C. Danley, Auditor of Public Accounts. } PETITION FOR MANDAMUS.

EXECUTIVE OFFICE,
Little Rock, Arkansas,
28th September, 1853.

SIR: For the information of the Executive, you are respectfully requested to make the quarterly reports to the Governor in accordance with section 54 of chapter 23, Digest of the Statutes of Arkansas, for each quarter commencing with the fourth quarter of the year 1852, as I have no official information of the condition of the State Treasury since the 30th September, 1852.

You will be pleased to show in each of these quarterly reports the amount of warrants drawn on each appropriation, the amount of Arkansas Treasury warrants unredeemed at the end of each quarter, and the amount of money in the Treasury applicable to the redemption of such warrants and such other information as is required to perfect them.

Very respectfully,
Your ob't servant,
ELIAS N. CONWAY.

Capt. C. C. Danley,
Auditor of Public Accounts
of the State of Arkansas,
Little Rock, Arkansas.

Exhibit B, referred to in the case of

The Governor of the State of Arkansas, vs. The Auditor of Public Accounts. } Petition for Mandamus.

Executive Offce,
Little Rock, Arkansas,
30th January, 1854.

Sir: On the 28th September, 1853, (now more than four months since,) I addressed you a letter, of which the annexed and foregoing is a copy. Since you have neither replied to my letter, nor furnished the information, nor given any intimation that you intended performing the duty enjoined by law, and required by the Governor of you as an officer of the Executive Department, I now renew my application and request, and demand that you furnish to me in writing, from the records of the Auditor's office, the information required by my letter of the 28th September, 1853, as early as practicable.

You will be pleased to reply to this letter upon its receipt, and to state whether you will furnish the information or not, and if you intend furnishing it, advise me when you will do so. I wish an early reply.

Very respectfully,
your ob't serv't,
ELIAS N. CONWAY.

Capt. C. C. Danley,
Auditor of Public Accounts
of the State of Arkansas,
Little Rock Arkansas,

Executive Office,
Little Rock, Arkansas.

The foregoing are true copies of letters on file in this office, one dated 28th September, 1853, the other 30th January, 1854.

ELIAS N. CONWAY.

Filed 19th June, 1854.

G. N. PEAY, *Clerk.*

Proceedings had June 20th, 1854.

Elias N. Conway, as Governor of Arkansas, *Relator*, vs. C. C. Danley, as Auditor of Public Accounts, *Respondent*. } On Petition for Mandamus.

This day comes the said relator by attorneys, and the court having heard and considered the petition in this behalf, and being now sufficiently advised thereon, doth order and adjudge that a writ of alternative mandamus be awarded and issued herein, in conformity with the prayer of the petition, returnable on Monday next the 26th instant, which is accordingly issued.

THE STATE OF ARKANSAS, } *Sct.*
County of Pulaski.

The State of Arkansas, to Christopher C. Danley, as Auditor of Public Accounts of the State of Arkansas—Greeting:

Whereas, Elias N. Conway, as Governor of the State of Arkansas, on the 19th day of June, A. D. 1854, exhibited and filed in our circuit court of Pulaski county, his petition, praying therein for a writ of mandamus against you as such Auditor, and upon the hearing and consideration of said petition, it was, by said court, on the 20th day of June, A. D. 1854, considered and ordered that a writ of alternative mandamus issue in conformity with the prayer thereof.

Wherefore, you, Christopher C. Danley, as Auditor of Public Accounts of the State of Arkansas, are hereby commanded to render to said Elias N. Conway, as Governor of said State, your quarterly reports as such auditor, in accordance with section fifty-one (51) of chapter twenty-three, (23) of the Digest of the Statutes of Arkansas, for each quarter, commencing with the fourth quarter of the year 1852; that in each quarterly report you show and report the amount of warrants drawn on each appropriation, the amount of warrants redeemed at the end of each quarter, the amount of money in the treasury applicable to the redemption of such warrants, and such other information as is required to perfect them, show according to the statute in such case made and provided, or show cause to our said circuit court why you should not do so, on the 26th day of June, A. D. 1854, and have you then and there this writ, with your return endorsed thereon.

L. S. In testimony whereof, I hereunto subscribe my name, as such clerk, and affix the seal of said court hereto, this 20th day of June, A. D. 1854.

GORDON N. PEAY, *Clerk*.

I hereby certify that I executed this writ of mandamus, in Pulaski county, State of Arkansas, on the 20th day of June, 1854, by delivering the original thereof to Christopher C. Danley. The within is a true and complete copy of the same.

JOHN C. PEAY, *Sheriff*
of Pulaski county.
By Hugh Brogan, *Dep'y Sheriff.*

Sheriff's fees $1 06.

Proceedings had June 26, 1854.

Elias N. Conway, as Governor of the State of Arkansas, *Relator*, vs. Christopher C. Danley, as Auditor of Public Accounts of the State of Arkansas, *Respondent.*	On Petition for Mandamus.

The return of Christopher C. Danley, Auditor of Public Accounts of the State of Arkansas, to the alternative writ of mandamus issued against him on the relation of Elias N. Conway, Governor of said State.

This respondent admits that he has not made the quarterly reports to the Governor as required by the 51st section of chapter 23, of the Digest, because for the making of such quarterly reports, he had not the precedent of his predecessor (the relator in this case) in the auditor's office—that on the expiration of the first quarter after he had become auditor, and after an examination of the law, he directed the clerks in his office to prepare the quarterly reports required by law, for the Governor of the State, and was informed by them that such was not the custom of the office; that the construction the former auditor (the present relator,) gave to the law, was that the report to the Governor should not be made at the end of each quarter, but at the end of each two years, immediately preceding the meeting of the General Assembly, and that the report then made should be in quarterly statements or items. This respondent never gave this construction to the law, which he was informed, and believes was given to it by his predecessor, but never made the reports because his predecessor had never been in the habit of doing so, and that he has been governed by the custom of the office.

This respondent did not receive the communication of the 23d September, 1853, until he received the same with the communication of the 30th January, 1854.

And not believing that it was his duty under the law, to make such a report as required by said communication, until prior to the commencement of each session of the General Assembly, he has failed to respond to said communications.

This respondent further returns, that he is willing to make such return as the law requires, but he respectfully submits that the Governor has not the right to demand of him, or this court to prescribe to him the particular form of the report to be made, and he also submits that he have a reasonable time to make the report required by law.

And this respondent having fully answered, prays to be discharged, etc. C. C. DANLEY, *Auditor of Arkansas.*

Filed 26th June, 1854.

G. N. PEAY, *Clerk.*

PULASKI CIRCUIT COURT, }
June Term, A. D. 1854.}

The Governor of the State of Arkansas, *Petitioner,*
vs.
C. C. Danley, Auditor of Public Accounts, *Defendant.*
} MANDAMUS.

And said petitioner, by attorney, comes and says that the returns by said defendant, to said alternative mandamus are not sufficient in law to bar or preclude him from having a peremptory mandamus, and that he is not bound by the law of the land to answer the same.

And this the said relator is ready to verify; wherefore said relator prays judgment that a peremptory mandamus may issue in this behalf, directed, etc., commanding, etc., as he has before prayed, etc. CURRAN & GALLAGHER, *Attorneys for Petitioner.*

Filed 26th June, 1854.

G. N. PEAY, *Clerk.*

This day appeared the said parties, by their respective attorneys, and the said respondent returns into court here, the writ of alternative mandamus issued in this case, and files his response thereto: and thereupon the relator files his demurrer to said response, and the respondent enters his joinder to said demurrer, in short, by consent, upon the record, and said demurrer comes on to be heard, and is argued by counsel, and the court being now well and sufficiently advised of and concerning the matters of law arising on said demurrer, doth consider and adjudge that the same be sustained.

And the said Christopher C. declines to respond further to said writ and elects to rest on the demurrer to his said response.

It is further considered and ordered by the court here, that a peremptory mandamus do now issue herein, requiring the said respondent, within a reasonable time, to render to said relator, as Governor of the State of Arkansas, his quarterly reports, as such auditor, in accordance with section fifty-one of chapter twenty-three, of the Digest of the Statutes of Arkansas, for each quarter, commencing with the fourth quarter of the year 1852; therein showing the amount of warrants drawn on each appropriation, the amount of warrants unredeemed at the end of each quarter, the amount of money in the treasury applicable to the redemption of such warrants, and such other information as is required to perfect them, and each of them according to the statute in such case made and provided, and the said respondent pay all the costs of this cause, and that execution issue therefor.

THE STATE OF ARKANSAS, } ss.
County of Pulaski. }

I, Gordon N. Peay, clerk of the circuit court, in and for the county and State aforesaid, do hereby certify that the annexed and foregoing thirteen pages contain a true and complete transcript of the record and proceedings had in said court, in the case therein mentioned, as the same remains in my office.

L. S. In testimony whereof, I have hereunto set my hand as such clerk, and affixed the seal of said court, this 24th day of October, 1854.

GORDON N. PEAY, *Clerk.*

Auditor's Office,
Little Rock, Arkansas,
June 30th, 1854.

Sir: Herewith you will receive statements numbered, 1, 2, 3, 4, 5, 6, 7, and 8, which are made a part of this note—being quarterly reports, showing the operations of the treasury from October 1st, 1852, to March 31st, 1854.

C. C. DANLEY, *Auditor of Arkansas.*

His Excellency Elias N. Conway,
Governor of Arkansas.

No. 1.

QUARTERLY STATEMENT 4th QUARTER OF 1852.

RECEIPTS INTO THE STATE TREASURY.

Amount paid by collectors, viz:			
In Arkansas treasury warrants		$51784 88	
In specie		28082 85	$ 79867 73
Amount of State tax on lands sold by the Auditor:			
In Arkansas treasury warrants		35 00	
In specie		36 32	71 32
Amount paid by Secretary of State, on account of sales of Digest and Supreme Court Reports:			
In Arkansas treasury warrants		17 50	
In specie		158 00	175 50
Amount treasury warrants issued 4th quarter of 1852			29648 06
paid on account of 500,000 acre land fund			40893 10
paid on account of the seminary fund			742 56
county tax paid into the State treasury on account of lands sold by the Auditor:			
In specie		42 24	
In scrip		6 30	48 54
Balance cash in treasury, 1st October, 1852:			
In Arkansas bank paper		5372 25	
In specie applicable to State expenditures		17092 87	
In Arkansas bank paper subject to State expenditures		245 11	
In internal improvement fund in specie	$19616 17		
In internal improvement fund in Arkansas bank paper	504 10	20120 27	
In seminary fund in specie		9631 59	
In county tax paid into the treasury by non-residents, specie		43 78	
In county tax, on account of lands sold by the Auditor, specie	549 79		
In county tax, on account of lands sold by the Auditor, in county scrip	301 39	851 18	
In escheat to Phillips, Yell and Lawrence counties		62 71	
In monument fund		45 00	$53464 76
			$204911 57

EXPENDITURES, ETC.

Auditor's warrants issued on account of general revenue account during 4th quarter, 1852		38867 56
Add Auditor's warrant No. 255, issued 1st quarter of 1851, and redeemed this quarter	30 00	38897 56
Amount Auditor's warrants paid on account 500,000 acre lands	9721 68	
Amount Auditor's warrants paid on account seminary funds	3201 89	12923 57
Amount of escheat paid John DeLaney, without warrant, by act approved 24th December, 1852		460 54
Drafts of county treasurer's paid:		
In specie	114 29	
In county scrip	48 80	163 09
Treasury warrants redeemed, viz:		
In payment of revenue by collectors	51784 88	
In payment of State tax on lands sold by the Auditor	35 00	
In payment of Arkansas Digest	17 50	
In payment of revenue with Specie	34508 01	86345 39

No. 1—Concluded.

Balance cash in the Treasury, viz:				
In Arkansas bank paper		5372 25		
Specie applicable to State expenditures,		1151 99		
Arkansas bank paper subject to State expenditures,		245 11		
Internal improvement fund, in specie	$50787 59			
Internal improvement fund in Arkansas bank paper	504 10	51291 69		
Seminary fund in specie		7172 26		
County tax under act approved January, 1845,		43 78		
County tax on lands sold by the auditor in specie	477 74			
County tax on lands sold by the auditor in county scrip	258 89	736 63		
Escheat in specie	62 71			
Monument fund in specie,		45 00	66121 42	204911 57
Deduct following amounts, viz:				
Arkansas bank paper		5372 25		
Internal improvement fund		51291 69		
Seminary fund		7172 26		
Amount due counties on lands sold and redeemed		780 41		
Escheat in specie		62 71		
Monument fund		45 00	64724 82	
			1397 10	
Balance cash in the treasury subject to State expenditures, viz:				
In specie		1151 99		
In Arkansas bank paper		245 11	1397 10	

C. C. DANLEY, *Auditor,*
of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Arkansas,
30th June, 1854.

No. 2.

QUARTERLY STATEMENT, 1st QUARTER OF 1853.

RECEIPTS AT THE STATE TREASURY.

Amount paid by collectors, viz:		
In Arkansas treasury warrants	275 39	
In specie	1 38	$276 77
Amount State tax on lands sold by the auditor, viz:		
In Arkansas treasury warrants	3122 76	
In specie	44 48	3167 24
Amount bonds and coupons paid by the securities of Samuel Adams, late treasurer		3764 58
Amount of treasury warrants issued first quarter of 1853		21194 79
Amount paid into the treasury on account of 500,000 acre lands		16826 35
Amount paid into the treasury on account of seminary lands		1371 92

No. 2—Continued.

Amount of county tax paid into State Treasury, on account of lands sold by Auditor, viz:			
In specie		717 89	
In county scrip		297 70	1015 59
Balance cash in the treasury 1st January, 1853:			
In Arkansas bank paper, unappropriated,		5372 25	
In specie, applicable to State expenditures,..	$1151 99		
In Arkansas bank paper, applicable to State expenditures	245 11	1397 10	
Seminary fund, specie		7172 26	
County tax paid into treasury by nonresidents, specie		43 78	
County tax paid on account of lands redeemed and sold, specie	477 74		
County tax paid on account of lands redeemed and sold, in county scrip	258 89	736 63	
Internal improvement fund, in specie,....	50787 59		
do do do in Arkansas bank paper	504 10		
		51291 69	
Escheats in specie		62 71	
Monument fund, specie		45 00	66121 42
			$113738 66

EXPENDITURES, ETC.

Auditor's warrants issued on general revenue acc't		$21253 29	
Deduct warrants Nos. 184, and 320, issued this quarter, and redeemed 2d and 3d quarters, 1853		58 50	
Amount of auditor's warrants paid on 1st quarter of 1853, on general revenue account		21194 79	
Amount of auditor's warrants paid on account 500,000 acre lands		28185 19	
Amount of auditor's warrants paid on account seminary lands		1936 63	
Drafts of county treasurer's paid on account of lands redeemed and sold, in specie		89 43	
County taxes refunded on account of lands erroneously sold, specie		9 10	
county scrip		4 79	58 82
Treasury warrants redeemed, viz:			
In payment of revenue by collectors		275 39	
do do do State tax on lands sold by the auditor		3122 76	
With specie		212 83	3610 98
Balance cash in the treasury:			
Arkansas bank paper		5372 25	
Specie applicable to State expenditures	$985 02		
Arkansas bank paper applicable to State expenditures	245 11	1230 13	
Internal improvement fund:			
In specie	39428 75		
In Arkansas bank paper,	544 10	39932 85	

No 2—Concluded.

Seminary fund, specie		6610 55		
Bonds and coupons from S. Adams' securities		8764 58		
County tax paid by non-residents, specie		43 78		
do do do on account of lands redeemed and sold, specie	$1147 10			
do do do do county scrip	551 80	1698 90		
Escheats in specie		62 71		
Monument fund, specie		45 00	$58760 75	$118738 66
Deduct amounts as follows, viz:				
Arkansas bank paper		5372 25		
Internal improvement fund		89932 85		
Seminary fund		6610 55		
State bank bonds and coupons		3764 58		
County taxes on lands redeemed and sold		1698 90		
do do non-residents		43 78		
Escheats		62 71		
Monument fund		45 00	57530 62	
			1230 13	
Balance cash in treasury, subject to State expenditures, viz:				
In specie		985 02		
In Arkansas bank paper		245 11	1230 13	

C. C. DANLEY, *Auditor of Arkansas.*

AUDITOR'S OFFICE,
Little Rock, Arkansas,
30th June, 1854.

No. 3.

QUARTERLY STATEMENT, 2d QUARTER OF 1853.

RECEIPTS AT THE STATE TREASURY.

Amount paid by collectors, viz:			
In Arkansas treasury warrants		$3353 88	
In specie		55	$3354 43
Amount of State tax on lands redeemed and sold:			
In specie		11 48	
In Arkansas treasury warrants		262 50	273 98
Treasury warrants issued this quarter		14582 26	
Amount paid on account of the internal improvement fund		42762 11	
do paid on account of the seminary fund		2461 44	59805 81
do county tax paid on acc't of lands redeemed and sold:			
In specie		30 93	
In county scrip		107 35	138 28
Balance cash in the treasury, 1st April, 1853:			
Arkansas bank paper		5372 25	
Specie applicable to State expenditures	$985 02		
Arkansas bank paper, applicable to State expenditures	245 11	1230 13	

No. 3.—Continued.

Internal improvement fund, specie	39428 75		
do do Arkansas bank paper	504 10	39932 85	
Seminary fund, specie		6610 55	
State bank bonds and coupons		3764 58	
County tax of non-residents, specie		43 78	
do do on lands redeemed and sold, in specie		1147 10	
County tax on lands redeemed and sold, in county scrip	551 80	1698 90	
Escheats, specie		62 71	
Monument fund, specie		45 00	58760 75
			$122,333 25

EXPENDITURES.

Amount of auditor's warrants issued during 2d quarter, 1853, on general revenue account		14674 06		
Add warrant No. 320, issued 1st quarter, 1853, and redeemed this quarter		22 50		
		14696 56		
Deduct warrant No. 398, issued this quarter and redeemed 3d quarter, 1853		114 30		
Amount redeemed during 2d quarter, 1853		14582 26	14582 26	
Amount of warrants paid on account of the internal improvement fund			12067 27	
Amount of warrants paid on account of the seminary fund			925 71	
Drafts of county treasurers paid on account of lands redeemed and sold:				
In county scrip		39 65		
In specie		44 97	84 62	
County tax without drafts in specie			37 27	
Treasury warrants redeemed, viz:				
In payment of revenue by collectors		3353 88		
In payment of State tax on lands redeemed and sold		262 50		
With specie		322 31	3938 69	
Balance cash in treasury 1st July, 1853:				
Arkansas bank paper		5372 25		
Specie applicable to State expenditures	$674 74			
Arkansas bank paper applicable to State expenditures	245 11	919 85		
Internal improvement fund, in specie	70123 59			
do do in Arkansas bank paper	504 10	70627 69		
Seminary fund, in specie		8146 28		
State bank bonds and coupons		3764 58		
County tax of non-residents		43 78		
do do on lands redeemed and sold specie	1095 79			
County tax on lands redeemed in county scrip	619 50	1715 29		
Escheat, specie		62 71		
Monument fund, specie		45 00	$90697 43	$122333 25

No. 3.—Concluded.

Deduct the following amounts, viz:		
Arkansas bank paper	5372 25	
Internal improvement fund	70627 69	
Seminary fund	8146 28	
State bank bonds and coupons	3764 58	
County tax, non-residents	43 78	
do do lands redeemed and sold	1715 29	
Escheats in Phillips, Yell and Lawrence counties	62 71	
Monument fund	45 00	89777 58
		919 85
Balance cash in treasury subject to State expenditures, viz:		
In specie	674 74	
In Arkansas bank paper	245 11	919 85

C. C. DANLEY, *Auditor of Arkansas.*

AUDITOR'S OFFICE,
Little Rock, Arkansas,
30th June, 1854.

No. 4.

QUARTERLY STATEMENT, 3d QUARTER OF 1853.

RECEIPTS AT THE STATE TREASURY.

Amount paid by collectors in Arkansas treasury warrants			$5381 23
do of State tax on lands redeemed and sold in treasury warrants		288 84	
do of State tax on lands redeemed and sold, in specie		14 79	303 63
do paid on account of 500,000 acre lands, in specie			14500 03
do paid on account of the seminary lands, in specie			979 82
County tax paid on account of lands redeemed and sold, in specie		100 66	
County tax paid on account of lands redeemed and sold in county scrip		63 83	164 49
Treasury warrants issued this quarter			15620 58
Balance cash in treasury 1st July, 1853:			
Arkansas bank paper		5372 25	
Specie, applicable to State expenditures	$674 74		
Arkansas bank paper, applicable to State expenditures	245 11	919 85	
Internal improvement fund, in specie	70123 59		
do do in Arkansas bank paper	504 10	70627 69	
Seminary fund, specie		8146 28	
State bank bonds and coupons		3764 58	
County tax paid by non-residents, specie		43 78	
do do on lands redeemed and sold, specie	1095 79		
do do do do county scrip	619 50	1715 29	
Escheat in Lawrence, Yell and Phillips counties in specie		62 71	
Monument fund, specie		45 00	90697 43
			$127647 21

No. 4 — Continued.

EXPENDITURES, ELC.

Amount of auditor's warrants issued during the 3d quarter, 1853, on account of general revenue.....			15670 28	
Add warrant No. 134, for $36, and warrant No. 398, for $114 30, redeemed this quarter, which had been previously issued..........................			150 30	
			15820 58	
Deduct warrant No. 477, issued this quarter and redeemed 1st quarter, 1854......................			200 00	
Amount of auditor's warrants on account of general revenue, redeemed 3d quarter, 1853.............			15620 58	
Amount of auditor's warrants issued on account of 500,000 acre land fund.........................			43845 20	
Amount of auditor's warrants issued on account of the seminary fund............................			1505 61	
Drafts of county treasurers paid on account of lands redeemed and sold, specie.....................		17 51		
Drafts of county treasurers paid on account of lands redeemed and sold, in county scrip..............		42 00	59 51	
Treasury warrants redeemed, to wit:				
In payment of revenue by collectors,........		5381 23		
do do of State tax on lands redeemed and sold..............................		288 84	5670 07	
Balance cash in the treasury, 1st Oct., 1853:				
In Arkansas bank paper..................		5372 25		
In Arkansas Stank bank bonds and coupons...................................		3764 58		
In specie applicable to State expenditures.................	$ 689 53			
In Arkansas bank paper, applicable to State expenditures.	245 11	934 64		
Seminary fund, in specie.......		7620 49		
Internal improvement fund in specie	40778 42			
do do in Arkansas bank paper.....................	504 10	41282 52		
County tax paid by non-residents, in specie............................		43 78		
County tax paid on account of lands redeemed and sold, in specie............	1178 94			
County tax paid on account of lands redeemed and sold, in county scrip......	641 33	1820 27		
Escheats in specie, to Lawrence, Yell and Phillips counties....................		62 71		
Monument fund, specie................		45 00	$60946 24	$127647 21
Deduct the following amounts, viz:				
Arkansas bank paper....................		5372 25		
Arkansas bank bonds and coupons.......		3764 58		
Seminary fund..........................		7620 49		
Internal improvement fund..............		41282 52		
County tax, non-residents, specie.........		43 78		
Due counties on account of lands redeemed and sold..................................		1820 27		
Escheats, in specie.........................		62 71		
Monument fund.........................		45 00	60011 60	
			934 64	

No. 4—Concluded.

Balance cash in treasury subject to State expenditures, viz:		
In Arkansas bank paper	245 11	
In specie	689 53	934 64

C. C. DANLEY, *Auditor of Arkansas.*

Auditor's Office,
Little Rock, Arkansas,
30th June, 1854.

No. 5.

QUARTERLY STATEMENT, 4th QUARTER OF 1853.

RECEIPTS AT THE TREASURY.

Amount paid by collectors, to wit:			
In Arkansas treasury warrants		$6963 53	
In specie		1 75	$6965 28
Amount of State tax on lands sold by the Auditor, in specie	$ 8 07		
In Arkansas treasury warrants	2639 98		2648 05
Amount of county tax paid on account of lands redeemed and sold:			
In county scrip	580 91		
in specie	741 80		1322 73
Amount received on account of the 500,000 acre lands			6976 74
do received on account of the seminary fund			3173 44
do treasury warrants issued this quarter			14440 40
Balance cash in the treasury 1st October, 1853:			
Arkansas bank paper		5372 25	
Specie applicable to State expenditures	689 53		
Arkansas bank paper applicable to State expenditures	245 11	934 64	
Seminary fund, in specie		7620 49	
Internal improvement fund, in specie	40778 42		
" " " Arkansas bank paper	504 10	41282 52	
State bank bonds and coupons, received from the securities of S. Adams		3764 58	
County tax paid by non-residents in specie		43 78	
County tax paid on account of lands redeemed and sold, specie	1178 94		
County tax paid on account of lands redeemed and sold, scrip	641 33	1820 27	
Escheat in specie belonging to Yell, Lawrence and Phillips counties		62 71	
Monument fund in specie		45 00	60946 24

No. 5.—Continued.

EXPENDITURES.

Amount of auditor's warrants on general revenue account issued during the 4th quarter of the year 1853			14440 40	
do of auditor's warrants issued on account of the 500,000 acres land			25545 30	
do of auditor's warrants issued on account of the seminary fund			848 19	
Draft of Poinsett county treasurer paid on account of lands redeemed and sold, specie		16 47		
County tax refunded on account of lands redeemed and sold, in specie		23 65		
County tax refunded on account of lands redeemed and sold, in county scrip		6 97	47 09	
Treasury warrants redeemed, viz:				
In payment of revenue by collectors		6963 53		
" State tax on lands redeemed and sold		2639 98	9603 51	
Balance cash in the treasury, 1st Jan., 1854:				
Arkansas bank paper		5372 25		
Internal improvement fund in specie	$22209 86			
Internal improvement fund in Arkansas bank paper	504 10	22713 90		
Seminary fund in specie		9945 74		
Specie applicable to State expenditures	699 35			
Arkansas bank paper applicable to State expenditures	245 11	944 46		
State bank bonds and coupons received from Sam'l Adams' securities	8764 58			
County tax paid by non-residents	43 78			
County tax paid on account of lands redeemed and sold in specie	1880 64			
County tax paid on account of lands redeemed and sold in county scrip	1215 27	3095 91		
Escheat in specie belonging to Yell, Lawrence and Phillips counties		62 71		
Monument fund, in specie		45 00	45988 39	
			$96472 88	$96472 35
Deduct the following amounts, viz:				
Arkansas bank paper		5372 25		
Internal improvement fund		22713 96		
Seminary fund		9945 74		
State bonds and coupons		8764 58		
County taxes paid by non-residents		43 78		
" " on account of lands redeemed and sold		3095 91		
Escheat		62 71		
Monument fund		45 00	45043 98	

No. 5—Concluded.

Balance cash in the Treasury subject to State expenditures, viz:		
In specie	699 85	
Arkansas bank paper	245 11	944 96

C. C. DANLEY, *Auditor of Arkansas.*

AUDITOR'S OFFICE,
Little Rock, Arkansas,
30th June, 1854.

No. 6.

QUARTERLY STATEMENT, 1st QUARTER OF 1854.

RECEIPTS AT THE STATE TREASURY.

Amount paid by collectors, viz:			
In Arkansas treasury warrants		$ 10424 38	
In specie		77 22	$ 10501 60
Amount State tax on lands redeemed and sold, in specie		145 71	
do do do do do do Arkansas treasury warrants		4406 65	4552 36
Amount county tax paid on account of lands redeemed and sold, in specie		709 13	
do county tax paid on account of lands redeemed and sold, in county scrip		597 80	1306 93
Amount received from sale of Digests, in treasury warrants			15 00
do received on account of 500,000 acre lands			15261 61
do received on account of seminary funds			1119 11
do treasury warrants issued			11291 41
Balance cash in treasury, 1st January, 1854:			
Arkansas bank paper		5372 25	
Specie applicable to State expenditures	$ 699 35		
Arkansas bank paper applicable to State expenditures	255 11	944 46	
Internal improvement fund, in specie	22209 26		
do do do Arkansas bank paper	504 10	22713 96	
Seminary fund, specie		9945 74	
State bank bonds and coupons		3764 58	
County tax paid by non-residents, specie		43 78	
do do paid on account of lands redeemed and sold, specie	1880 64		
County tax paid on account of lands redeemed and sold, county scrip	1215 27	3095 91	
Escheats in specie to Phillips, Yell and Lawrence counties		62 71	
Monument fund, in specie		45 00	45988 89
			$90036 41

No. 6—Continued.

EXPENDITURES, ETC.

Amount of auditor's warrants issued on general revenue account during 1st quarter, 1854			11091 41	
Add warrant No. 477, issued 3d quarter, 1853 and redeemed this quarter			200 00	
Amount of auditor's warrants redeemed during 1st quarter, 1854			11291 41	
Of auditor's warrants issued on account of 500,000 acre land fund			10569 39	
Of auditor's warrants issued on account Seminary fund			2992 77	24853 57
Drafts of county treasurers paid on account of lands redeemed and sold:				
In Arkansas bank paper		$ 84 45		
In specie		3 52		
County tax refunded in Pulaski, in county scrip		6 13	94 10	
Treasury warrants redeemed, viz:				
In payment of revenue by collectors		10424 38		
do do of State tax on lands redeemed and sold		4406 65		
In payment of Arkansas Digests		15 00	14846 03	
Balance cash in treasury 1st April, 1854:				
Arkansas bank paper		5287 80		
Specie, applicable to State expenditures	$ 922 28			
Arkansas bank paper, applicable to State expenditures	245 11	1167 39		
Internal improvement fund, specie	26902 08			
do do fund, Arkansas bank paper	504 10	27406 18		
Seminary fund, specie		8072 08		
State bank bonds and coupons		3764 58		
County tax paid by non-residents, specie		43 78		
do do do on account of lands redeemed and sold, specie	2586 25			
County tax paid on account of lands redeemed and sold, county scrip	1806 94	4393 19		
Escheat, in specie		62 71		
Monument fund, specie		45 00	50242 71	90036 41
Deduct the following amounts, viz:				
Arkansas bank paper		5287 80		
Internal improvement fund		27406 18		
Seminary fund		8072 08		
State bank bonds and coupons		3764 58		
County tax, non-residents, specie		43 78		
County tax on account lands redeemed and sold		4393 19		
Escheats, specie		62 71		
Monument fund, specie		45 00	49075 32	
			1167 39	

No. 6—Concluded.

Balance cash in the State treasury applicable to State expenditures, viz.		
In specie	922 28	
In Arkansas bank paper	245 11	1167 39

C. C. DANLEY, *Auditor of Arkansas.*

AUDITOR'S OFFICE,
Little Rock, Arkansas,
30th June, 1854.

A STATEMENT—Showing the amount of Treasury Warrants outstanding on the 1st day of October, 1852, and the amount since issued and redeemed, and the balance outstanding on the 31st March, 1854.

Am't of Treasury Warrants outstanding on 1st Oct., 1852. including $400 65 paid by W, Adams, $58833 43.	Amount of Treasury Warrants outstanding on 1st October, 1852, and amount since issued.	Am't of Treasury Warrants received on account of general revenue.	Amount of Treasury Warrants redeemed with specie.	Total amount of Treasury Warrants redeemed.	Amount of Treasury Warrants outstanding.
....	$58833 43	....	....	....	....
4th ¼ of 1852,	29648 06	$51837 38	$34508 01	$86345 39	$ 2136 10
1st ¼ of 1853,	21194 79	3398 15	212 83	3610 98	19719 91
2d ¼ of 1853,	14582 26	3616 38	322 31	3938 69	30363 48
3d ¼ of 1853,	15620 58	5670 07	....	5670 07	40313 99
4th ¼ of 1853,	14440 40	9603 51	....	9603 51	45150 88
1st ¼ of 1854,	11291 41	14846 03	....	14846 03	41596 26
	$165610 93	$88971 52	$35043 15	$124014 67	

C. C. DANLEY, *Auditor of Arkansas.*

AUDITOR'S OFFICE,
Little Rock, Arkansas,
June 30th, 1854.

No. 8.

A TABULAR STATEMENT—*Exhibiting the amount of appropriations made at the session of the General Assembly held in November and December,* 1852, *and January,* 1853, *with balances of former appropriations, reported as unexpended* 30*th September,* 1852, *and amounts transferred or added thereto, under acts as hereinafter stated; and also amounts of warrants drawn under appropriate heads, and amount paid out to John Delaney, as escheat, as reported by the State Treasurer, without a warrant, up to the* 31*st of March,* 1854; *and the balance of each appropriation unexpended at the expiration of that day.*

		Amount of appropriations.	Am't war-r'ts drawn 4 qr. 1852.	Am't war-r'ts drawn 1 qr. 1853.	Am't war-r'ts drawn 2 qr. 1853.	Am't war-r'ts drawn 3 qr. 1853.	Am't war-r'ts drawn 4 qr. 1853.	Am't war-r'ts drawn 1 qr. 1854.	Total am't drawn.	Balance unexpended.
		$	$	$	$	$	$	$	$	$
1	To pay for printing and distributing the Acts and Journals, by act approved 11th January, 1853, including balance unexpended, 30th Sept., 1852, ...	9265 40	20 00	....	....	1098 62	1000 00	1736 76	3855 38	5410 02
2	To pay for printing, binding and distributing the decisions of the Supreme Court, by act approved 11th January, 1853, including balance unexpended, 30th Sept., 1852,.....	3071 53	697 00	155 00	240 00	480 00	240 00	586 40	2398 40	673 13
3	To pay the salaries of the Judges of the Supreme Court, by act approved 11th January, 1853, including balance unexpended, 30th Sept., 1852, ...	15610 60	1500 00	1275 00	900 00	1800 00	450 00	2250 00	8175 00	7435 60
4	To pay the salary of the Secretary of State, by act approved 11th January, 1853, including balance unexpended, 30th Sept., 1852, ...	2329 83	250 00	....	500 00	250 00	250 00	....	1250 00	1079 83
5	To pay the salary of the State Treasurer, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852, ...	1868 86	200 00	200 00	200 00	200 00	200 00	200 00	1200 00	668 86
6	To pay the salary of the Auditor of Public Accounts, by act approved 11th January, 1853, including balance unexpended, 30th Sept., 1852, ...	2795 80	300 00	300 00	300 00	300 00	300 00	300 00	1800 00	995 80
7	To pay the contingent expenses of the offices of Auditor and Treasurer, balance unexpended 30th Sept., 1852, ...	78 15	34 40	....	....	....	....	....	34 40	43 75

8	To pay for advertising lands for sale for taxes by the Auditor of Public Accounts, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852, ...	826 80	105 00	....	....	....	....	98 00	808 00	628 80
9	To pay for fuel and stationery for the General Assembly, and for fuel for the offices of Governor, Secretary of State, Auditor and Treasurer, by act approved 11th January, 1851, balance unexpended, ...	2160 86	192 50	80 60	....	51 00	22 50	....	296 60	1864 26
10	To pay United States land officers for lists of lands entered at their offices, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852, ...	685 72	....	262 26	....	....	....	341 79	604 05	81 67
11	To pay the salary of the Reporter of the decisions of the Supreme Court, by acts approved 11th January, 1853, including balance unexpended 30th Sept., 1852,............	826 58	50 00	....	94 50	200 00	....	126 30	470 80	355 78
12	To pay salary of the State Land Agent out of the internal improvement fund, balance unexpended 30th Sept., 1852,............	2112 67	....	125 00	....	375 00	125 00	....	625 00	1487 67
13	To pay the proper officers of the different counties escheated funds for schools, by act approved 11th January, 1851, balance unexpended 30th Sept., 1852, ...	62 71	....	....	....	....	....	....	....	62 71
14	To pay all costs which have been, and all which shall hereafter be adjudged against the State, and the Bank of the State of Arkansas, in suits heretofore commenced, or which shall hereafter be commenced by the State, and the Bank of the State of Arkansas, or by any person or persons against the State or Bank of the State of Arkansas, by act of 11th January, 1851, balance unexpended, 1852, ...	2 05	....	....	....	....	....	....	....	2 05
15	To pay all costs which have been or shall be adjudged against the State Bank of the State of Arkansas, provided that all accounts for such costs shall be certified by the proper officer or attorney, as required by law, by act approved 11th January,									

No. 8—Continued.

		Amount of appropriations.	Am't war-r'ts drawn 4 qr. 1852.	Am't war-r'ts drawn 1 qr. 1853.	Am't war-r'ts drawn 2 qr. 1853.	Am't war-r'ts drawn 3 qr. 1853.	Am't war-r'ts drawn 4 qr. 1853.	Am't war-r'ts drawn 1 qr. 1854.	Total am't drawn.	Balance unexpended.
	1853, including balance unexpended 30th Sept., 1852,	$ 1010 45	$ 7 45	$ 708 53	$ 19 00	$ 168 27	$ 35 00	$ 11 00	$ 949 25	$ 61 20
16	To pay for the necessary repairs of the public buildings, to be expended under the directions of the Secretary of State, by act approved 11th January, 1853,	500 00	....	500 00	....	....	....	....	500 00	....
17	To pay the private Secretary of the Governor, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852,	1031 57	31 57	83 33	125 00	166 66	....	187 67	594 23	437 34
18	To pay contractor for work to be performed by him on and about the Penitentiary, as provided for in "an act to provide for building a safe and durable wall around the penitentiary, proper work shops, keeper's house, and for the improvement of the penitentiary system," passed at the present session of the General Assembly, balance unexpended 30th Sept., 1852,	9000 00	....	....	....	....	....	....	....	9000 00
19	To pay special appropriation, by acts of 24th and 27th Nov., and 7th, 8th, 9th, 15th and 17th Dec., 1852, and 1st, 4th, 10th, 11th and 12th January, 1853,	6976 26	3143 05	3273 70	264 21	250 00	45 30	....	6976 26	....
20	To pay the State Treasurer for receiving and disbursing the internal improvement and seminary funds, by act of 10th January, 1851,	....	....	50 00	100 00	50 00	50 00	50 00	300 00	....
21	To pay for building a wall around the penitentiary house of this State, approved 11th January, 1853,	26500 00	....	....	5019 00	4000 00	6000 00	....	15019 00	11481 00
22	To pay bank officers, by act approved 11th January, 1853,	5000 00	....	3341 73	917 27	722 38	....	....	4981 38	18 62
23	To pay the salary of the Governor, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852,	4891 51	450 00	....	900 00	450 00	450 00	450 00	2700 00	691 51

24	To pay costs accruing in the prosecution of suits by the State, in respect to the 500,000 acre grant of lands, and payable upon the proper certificate of the Land Attorney and State Collector, out of the internal improvement fund, by act approved 21st December. 1850,	....	70 72	....	....	50 21	....	5 95	126 88	....
25	To pay costs accruing in the prosecution of suits by the State in respect to the seminary fund, by act approved 21st Dec., 1850,	....	14 00	....	7 50	....	....	....	21 50	....
26	To pay for recording and arranging in township order the abstracts of lands reported to the Auditor as taxable, balance unexpended 30th Sept., 1852,	368 08	....	....	....	....	....	115 12	115 12	252 96
27	To pay for all necessary plats for the office of land agent, and also for any contingent expenses of said office, out of the internal improvement fund, by act approved 10th January, 1845,	....	10 80	13 75	....	....	43 50	....	68 05	....
28	To pay warrants drawn under an act approved 14th January, 1848, to authorize the Auditor to draw warrants on the Treasury in certain cases,	....	15 54	34 27	210 66	43 62	163 01	57 17	524 27	....
29	To pay for all books necessary to carry into effect the provisions of an act in respect to the 500,000 land fund, and to pay any extra clerk hire in the Auditor's office in respect to said fund, by act approved 10th January, 1851,	....	180 00	180 00	180 00	....	....	540 00	540 00	....
30	To pay for all books necessary to carry into effect the provisions of an act in respect to the seminary fund, and to pay any extra clerk hire in the Auditor's office in respect to said fund, by act approved 10th January, 1851,	....	....	....	....	....	....	....	....	....
31	To pay contingent expenses of the Executive Department, including the offices of Secretary of State, Auditor and Treasurer, and to pay contingent expenses of the Supreme Court, balance unexpended 30th September, 1852,	93 61	....	....	....	....	....	....	....	93 61

No. 8—Continued.

		Amount of appropriations.	Am't war-r'ts drawn 4 qr. 1852.	Am't war-r'ts drawn 1 qr. 1853.	Am't war-r'ts drawn 2 qr. 1853.	Am't war-r'ts drawn 3 qr. 1853.	Am't war-r'ts drawn 4 qr. 1853.	Am't war-r'ts drawn 1 qr. 1854.	Total am't drawn.	Balance unexpended.
		$	$	$	$	$	$	$	$	$
32	To pay the necessary expenses for the furnish and furniture of the library and consultation room for the Judges of the Supreme Court, balance unexpended 30th September, 1852, ...	48 30	43 30	....	....	....	....	....	48 30	....
33	To amount appropriated for the Supreme Court library, by act approved 11th January, 1853, ...	400 00	....	....	....	....	200 00	200 00	400 00	....
34	To pay prosecuting attorneys and prosecuting attorneys pro tem., by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852, ...	3372 82	475 00	775 00	750 00	375 00	675 00	400 00	3450 00	....
35	To pay the salaries of Judges of the Circuit Courts, by an act approved 11th January, 1853, including balance unexpended 30th Sept., 1852, ...	25127 77	2607 60	687 50	1269 44	2437 50	3201 39	2028 70	12232 13	12895 64
36	To pay clerk hire in the Auditor's office, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852, ...	2748 74	300 00	300 00	290 00	200 00	300 00	341 80	1731 80	1916 94
37	To pay special appropriations out of the internal improvement fund, by acts approved 24th Nov., 1852, and 12th Jan., 1853, ...	792 88	254 00	56 75	....	....	482 13	....	792 88	....
38	To pay electors of President and Vice President, by act approved 30th Nov., 1852, including balance unexpended 30th Sept., 1852, ...	635 59	211 50	....	....	....	....	....	211 50	424 09
39	To pay contingent expenses of the Executive Department, including the offices only of Governor and the Secretary of State, and the contingent expenses of the Supreme Court, balance unexpended 30th September, 1852, ...	2640 79	2196 83	....	....	....	....	....	2196 83	443 96
40	To pay members and officers of the General Assembly, by act of 30th Nov., 1852, including balance unexpended 30th Septem-									

	ber, 1852,	85062 02	24211 65	5466 00	....	....	....	....	29677 65	55884 37
41	To pay the contingent expenses of the office of Auditor of Public Accounts, by act approved 11th January, 1853,	1500 00	....	290 02	153 48	91 58	147 89	144 80	827 64	672 36
42	To pay contingent expenses of the office of the State Treasurer, by act approved 11th January, 1853,	600 00	....	22 50	....	14 00	192 50	....	229 00	371 00
43	To pay the expenses of purchasing books and copying the returns now on file in the Auditor's office, relative to lands sold or forfeited at collector's sale, and for covering the tax books now in the Auditor's office, by act approved 12th January, 1853,	750 00	....	....	292 36	457 64	....	....	750 00	....
44	To pay the contingent expenses of the Executive department, including only the offices of Governor and Secretary of State, by act approved 11th January, 1853,	8000 00	....	1444 11	515 68	472 43	379 92	319 96	3132 10	4867 90
45	To pay the expenses of the Supreme Court of the State of Arkansas, by act approved 11th January, 1853,	3000 00	....	522 26	275 13	591 71	180 89	745 94	2315 93	684 07
46	To pay for the repairs of and new roofing the Supreme Court room, by act approved 11th January, 1853,	1000 00	....	....	....	....	7 00	....	7 00	993 00
47	To amount appropriated to erect a suitable monument over the grave of the late J. A. Lovejoy, by act approved 11th Jan., 1853,	50 00	....	....	....	....	....	50 00	50 00	....
48	To pay special judges of the Supreme Court, by act approved 11th January, 1853,	2000 00	....	....	200 00	600 00	....	400 00	1200 00	800 00
49	To pay the Secretary of State for copying the laws passed at this session of the General Assembly, and for copying and certifying resolutions and transmitting the same to our delegation in Congress, and for reading the proof-sheets of all laws passed this session, and for distributing the Acts and Journals, by act approved 11th Jan., 1853,	250 00	....	....	....	250 00	....	....	250 00	....
50	To pay costs that have or may hereafter accrue in the case now pending between Robinson Lyttle and others, complainants, and the State of Arkansas, defendant, by act approved 11th January, 1853,	300 00	....	....	....	....	....	....	....	300 00

No. 8—Continued.

		Amount of appropriations.	Am't war-r'ts drawn 4 qr. 1852.	Am't war-r'ts drawn 1 qr. 1853.	Am't war-r'ts drawn 2 qr. 1853.	Am't war-r'ts drawn 3 qr. 1853.	Am't war-r'ts drawn 4 qr. 1853.	Am't war-r'ts drawn 1 qr. 1854.	Total am't drawn.	Balance unexpended.
		$	$	$	$	$	$	$	$	$
51	To pay the contingent expenses of the Senate and House of Representatives, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852, ...	8681 60	1825 17	1581 48	651 65	....	....	....	4058 30	4623 30
52	To amount appropriated to defray the expenses of furnishing the Executive office, by act approved 11th January, 1853,......	200 00	....	....	110 68	....	....	....	110 68	89 32
53	To pay the administrator of Martin W. Dorris the amount it may be found by the Circuit Court of Arkansas county, sitting as a Court of Chancery, paid by said Dorris for the purchase of the banking house and lot of ground upon which it is situated, at the Post of Arkansas, in the county of Arkansas, with legal interest thereon until paid, approved 30th December, 1850,......	476 00	....	....	476 00	....	....	....	476 00	....
54	To amount appropriated to carry into effect the provisions of an act to divide the seminary fund and to establish common schools, approved 5th January, 1849, including balance unexpended 30th Sept., 1852, ...	225302 07	3187 89	....	918 21	1505 61	827 39	2958 80	11331 53	213970 54
55	To amount appropriated to carry into effect the provisions of an act to distribute the proceeds of the 500,000 acres of land donated to the State of Arkansas, for the purpose of internal improvement, approved 10th Jannary, 1849, balance unexpended 30th Sept., 1852, ...	917345 14	9031 16	27934 69	11787 27	43369 99	24566 27	10382 04	127071 42	790273 72
56	To pay for making and marking plats and other expenses relating to the 500,000 acre lands, by act approved 12th Jan., 1853, ...	....	....	....	....	....	278 40	131 40	409 80	....
57	To pay for making and marking plats and other expenses in respect to the seminary fund, by act approved 12th Jan., 1853, ...	....	....	....	....	....	20 80	33 97	54 77	....
58	To pay costs which have or shall accrue in									

	State prosecutions, by act approved 10th January, 1849, balance unexpended 30th Sept., 1852,	558 48	....	....	....	....	....	....	....	558 48
59	To amount appropriated by act of 24th Dec., 1852, to pay John Delaney the amount paid into the State Treasury, by the administrator of said John Delaney, without a warrant,	460 54	460 54	....	....	....	....	....	460 54	....
		$ 1889907 00	$ 52076 67	$ 51547 11	$ 27667 04	$ 61021 09	$ 40833 89	$ 24653 57	$ 257799 37	$ 1182184 81

Note.—No. 34 overdrawn through error.

C. C. DANLEY, *Auditor of Arkansas.*

No. 9.

A STATEMENT—Showing the amount Arkansas State Treasury Warrants outstanding 1st April, 1854; the amount issued during the 2d quarter of the year 1854; the amount redeemed during said second quarter, and the amount outstanding and unredeemed on the 1st July, 1854.

Warrants outstanding 1st April, 1854, and amount issued 2d quarter of 1854.	Warrants outstanding 1st April, 1854, and amount issued 2d quarter 1854.	Amount paid in on account of Revenue.	Amount redeemed with specie.	Total amount redeemed.	Amount outstanding 1st July 1854.
Outstanding 1st April, 1854,	$41596 26				
Issued 2d quarter 1854,	10140 81	$47546 31	$3775 25	$51321 56	$415 51

C. C. DANLEY, *Auditor*
of Public Accounts of the
State of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Arkansas,
July 12th, 1854.

No. 10.

A. STATEMENT—Showing the amount of warrants drawn upon each appropriation during 2d quarter of the year 1854.

FOR WHAT PURPOSES APPROPRIATED.

To pay for printing, stitching and distributing the acts and journals by act approved 11th January 1853, including balance unexpended 30th September, 1852,	$ 1,993 35
To pay for printing, binding and distributing the decisions of the supreme court, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	319 20
To pay salaries of supreme judges, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852,	900 00
To pay salary of the Secretary of State, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852,	250 00
To pay salary of the State treasuser, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852,	200 00
To pay salary of the auditor of public accounts by	

No. 10—Continued.

act approved 11th January, 1853, including balance unexpended 30th Sept., 1852,	300 00
To pay U. S. land officers for lists of lands entered at their offices, by act approved 11th January, 1853, including balance unexpended 30th Sept., 2852,	7 80
To pay salary of the reporter of the decisions of the supreme court, by act approved 11th January, 1853, including balance unexpended 30th September, 1852,	73 70
To pay all costs which have been, or shall be adjudged against the State bank of the State of Arkansas, provided that all accounts for such costs shall be certified by the proper officer or attorney, as required by law, by act approved 11th January, 1853,	13 65
To pay private secretary of the Governor, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852,	187 50
To pay the State treasurer for receiving and disbursing the internal improvement fund, by act approved 11th January, 1851,	50 00
To pay for building a wall around the penitentiary house of this State, by act approved 11th January, 1853,	8,500 00
To pay salary of the Governor, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1853,	450 00
To pay costs accruing in the prosecution of suits by the State in respect to the 500,000 acre grant of land, and payable upon the proper certificate of the land attorney and State collector, out of the internal improvement fund, by act approved 21st Dec., 1850,	49 33
To pay warrants drawn under act approved 14th January, 1843, to authorize the auditor to draw warrants on the treasury in certain cases,	251 81
To pay for all books necessary to carry into effect the provisions of an act in respect to the 500,000 acre land fund, and to pay any extra clerk hire in respect to said fund, by act approved 10th Jan., 1851,	120 00
To pay salaries of judges of the circuit courts, by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852,	3,750 00
To pay clerk hire in the auditor's office by act approved 11th January, 1853, including balance unexpended 30th Sept., 1852,	300 00

No. 10—Concluded.

To pay contingent expenses of the office of auditor of public accounts, by act approved 11th Jan., 1853,	37	59
To pay contingent expenses of the office of State Treasurer, by act approved 11th Jan., 1853,	61	20
To pay contingent expenses of the executive department, including only the offices of Governor and secretary of State, by act approved 11th January, 1853,	889	62
To pay the expenses of the supreme court of the State of Arkansas, by act approved 11th Jan., 1853,	163	02
To amount appropriated to carry into effect the provisions of an act to divide the seminary fund, and establish common schools, approved 5th Jan., 1849, balance unexpended 30th Sept., 1852,	1774	39
To amount appropriated to carry into effect the provisions of an act to distribute the proceeds of the 500,000 acre lands donated to the State of Arkansas for the purposes of internal improvement, approved 10th Jan., 1849, balance unexpended 30th Sept., 1852,	8119	96
To pay for making and marking plats and other expenses in respect to the 500,000 acre lands, by act approved 12th Jan., 1852,	97	67
To pay for making and marking plats and other expenses in respect to the seminary fund, by act approved 12th January, 1853,	45	15
To amount appropriated to pay sheriffs' fees in cases of runaway slaves, by act approved 9th January, 1851,	548	41
To amount appropriaten to pay all expenses of saline lands, by act approved 12th Jan., 1852,	62	50
To amount appropriated to pay Dan'l E. Williams and A. C. Owen for obtaining a comple list of lands subject to taxation in the counties of Lafayette and Hempstead, by act approved 10th Jan., 1853,	118	64
Amount drawn during the 2d quarter of 1854,	$29,634	49

C. C. DANLEY, *Auditor*
of Public Accounts of the
State of Arkansas.

AUDITOR'S OFFICE,
Little Rock Arkansas,
July 12th, 1854.

No. 11.

QUARTERLY STATEMENT 2d QUARTER OF 1854.

RECEIPTS AT THE TREASURY.

Amount paid by collectors, viz:			
in Arkansas treasury warrants		$47470 66	
in specie		49522 22	96992 88
do of State tax on lands sold by the auditor:			
in Arkansas treasury warrants,		75 65	
in specie		965 23	1040 88
do of county tax paid on account of lands sold by auditor:			
in county scrip		160 52	
in specie		359 52	520 04
do received on account of the 500,000 acre lands			21508 98
do received on account of the seminary lands			1173 61
do received on account of the saline lands			559 52
do of treasury warrants issued 2d quarter of 1854			10140 81
Balance cash in the treasury 1st April, 1854:			
Arkansas bank paper		5287 80	
Specie applicable to State expenditures		922 28	
Arkansas bank paper subject to the State expenditures		245 11	
Internal improvement fund, in specie		26902 08	
do do fund, in Arkansas bank paper		504 10	
Seminary fund, in specie		8072 08	
State bank bonds and coupons		3764 58	
County tax paid by non-residents, in specie		43 78	
County tax paid on account of lands redeemed and sold:			
in county scrip	$2586 25		
in specie	1806 94	4393 19	
Escheat in Lawrence, Yell and Phillips counties		62 71	
Monument fund, in specie		45 00	50242 71
			$182179 88

EXPENDITURES.

Amount of auditor's warrants issued on general revenue acc't.,		19315 49	
do of auditor's warrants, issued on account of the 500-000 acre lands		8436 96	
do of auditor's warrants issued on account of the saline lands		62 50	
do of auditor's warrants, issued on account of the seminary fund		1819 54	
Drafts of county treasnrers paid on account of lands redeemed and sold:			
in county scrip	$ 302 65		
in specie	806 22	1108 87	
County taxes refunded in county scrip	18 25		
In specie	39 79	58 04	
Treasury warrants redeemed, viz:			
In payment of revenue by collectors	47470 66		
do do of State tax on lands sold by the auditor	75 65		
do paid in specie	3775 25	51321 56	82122 96
			$100,056 42

No. 11—Continued.

Balance cash in the treasury 1st July, 1854:			
Arkansas bank paper			5287 80
Specie applicable to State expenditures,			38459 80
Arkansas bank paper applicable to State expenditures			245 11
Internal improvement fund, in specie			39974 05
do do fund in Arkansas bank paper		504 10	40478 15
Seminary fund			7426 15
Bonds and coupons			3764 58
County tax paid by non-residents			43 78
do on lands redeemed and sold. specie			2099 76
do do do do county scrip		1646 56	3746 32
Escheat belonging to Lawrence, Yell and Phillips counties, specie		62 71	
Monument fund, specie		45 00	
Saline fund		497 02	100056 42
Deduct the following amounts, viz:			
Arkansas bank paper, unappropriated		5287 80	
Internal improvement fund, specie		39974 05	
do do bank paper		504 10	
Seminary fund		7426 15	
Bank bonds and coupons		3764 58	
County tax of non-residents, specie		43 78	
County tax on lands redeemed and sold:			
In specie	$ 2099 76		
In scrip	1646 56	3746 32	
Escheat in Lawrence, Yell and Phillips, specie		62 71	
Monument fund, in specie		45 00	
Saline fund, in specie		497 02	61351 51
Balance cash in the treasury, applicable to State expenditures:			38704 91
In specie		38459 80	
In Arkansas paper		245 11	38704 91

C. C. DANLEY, *Auditor*
of the State of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Arkansas,
July 12th, 1854.

THE STATE OF ARKANSAS,

To Curran & Gallagher, Dr.

To *mandamus* obtained against C. C. Danley, as Auditor of the State of Arkansas, requiring him as an officer of the executive department, to afford information in writing to the Governor of said State, as required of him, under and by virtue of the constitution of the State of Arkansas, $50 00

Executive Office,
Little Rock, Arkansas,
22d July, 1854.

The auditor of public accounts of the State of Arkansas will issue a warrant on the treasurer of said State, in favor of Curran & Gallagher, for fifty dollars, payable out of the contingent fund of the executive department, in payment of the above account.

ELIAS N. CONWAY.

Received from the auditor, his warrant on the treasurer, for the above sum of $50 00, 24th July, 1854.

CURRAN & GALLAGHER.

TREASURER'S REPORT.

TREASURER'S OFFICE,
Little Rock, Arkansas,
October 1st, 1854.

To his Excellency, ELIAS N. CONWAY,
Governor of the State of Arkansas.

SIR: In compliance with an act of the last General Assembly, I herewith present to your Excellency, aggregate statements of all receipts and payments of money by the State treasurer, during the two years ending 30th September, 1854, arranged under the various heads to which the different funds belong; together with a synopsis of the several balances remaining in the treasury at the end of the present fiscal year.

In framing these statements I have endeavored to combine brevity with perspicuity—making all requisite reference to *books* of the office for entry of *details*, which are there fully set forth, and are sustained by appropriate vouchers.

Without a recapitulation of the contents of each statement—by number or letter, I trust it may suffice for information of those less familiar than yourself with the routine of the treasurer's accounts, to observe that statements of all the accounts from which revenue of the State is derived, follow each other in regular order, and are condensed in the statement of "general revenue account," while the result of all other funds are separately and distinctly stated, and speak for themselves.

And before proceeding further, allow me to indulge a feeling of State pride, in pointing out the fact of a specie balance remaining in the treasury after redeeming all the outstanding treasury warrants, a circumstance which has not occurred (to my recollection) for several years past, and it is devoutly to be hoped that a necessity for the State to issue any more "promises to pay" may never again occur, at least to meet the ordinary expenses of State government; and that our fellow-citizens will clearly perceive and duly estimate the losses to the State in all her financial operations and the evil tendencies generally resulting from a reduction of taxes below what is actually required to carry on the necessary operations of State governments.

Besides the usual statement of treasurer's receipts and disbusements, I have added at your request, the best statement which the records of my office enable me to set forth, in regard to expenditures, (under act of 12th January, 1853), on account of swamp land; the vouchers for details of the services rendered, being retained in the office at Helena.

It may also be necessary to notify your Excellency (in view of *a full settlement* of the swamp land donation) that my office is not supplied with a statement of the date, number or total amount of certificates (each for 160 acres of swamp land), issued by the commissioners, acting under law of 6th January, 1851, or upon what account these warrants were issued. So that the present statement (in regard to issues) is necessarily confined to the swamp land warrants or certificates, (in dollars and cents), issued by the State treasurer, under act 12th January, 1853.

These (treasurer's) certificates are fully described and separately entered in a book of "warrants issued" in order to establish the source, or account, whereby *each one* is "redeemed," and so soon as furnished with desired list of certificates issued by the commissioners aforesaid, they will be similarly entered and disposed of; and in view of this arrangement it is now my practice, on receiving proceeds of swamp lands, sold by the agents appointed under act of 12th Jonuary, 1853, to designate clearly what amount is received from them in certificates issued by the State treasurer, and what amount in certificates issued by the old board of swamp land commissioners.

I take occasion also to remark that the defect of entries (pointed out in my last report); with regard to the notes received for sale of the 500,000 acres, and of the seminary fund, still exists for want of a reliable list of the payments made thereon, *previous to my appointment* as treasurer, which list can only be obtained from the books of the auditor.

While on this subject, I take the liberty of directing the attention of your Excellency to some of the evils resulting from the practice of permitting exchange or substitution of notes, drawn by other parties, for those issued by the original purchasers, whereby much confusion is unavoidably produced in tracing out a clear settlement of the original note, while, in many instances, a still more serious evil results to the State where *speculators*—failing to dispose of their purchase *at a profit*—substitute "notes of straw" for those issued by themselves.

I deem it unnecessary to extend these remarks, as your Excellency's knowledge of the facts stated will enable you to point out and recommend to the legislature the best means to be adopted for correcting the evil. Neither is it my province or inclination to make any suggestions relative to the revenue required to meet exepenses of the State for the next two years, this duty having been by law, devolved on the auditor, whose office alone contains the data necessary to form such a statement.

Having thus submitted to your Excellency such suggestions as seem to be called for on all the subjects within the legitimate scope of my official duties, I have the honor to be,

Very respectfully,
Your obedient servant,
J. H. CREASE,
Treasurer of Arkansas.

In order to assist in obtaining a correct knowledge of the present situation of all the bonds issued by the State, I have opened and counted all the packages that were placed in the treasury previous to my appointment to office—which, together with those bonds since filed (and receipted for) by myself, form the following aggregate of State bonds cancelled and deposited with the treasurer, viz:

Of the bonds which have been *sold*, *redeemed* and *cancelled*, there are now in the treasury

132	bonds bearing interest at	5	per cent.	per annum.
98	do do	6	do	do

There are also on deposit

300 bonds (6 per cent.) No. 1001 to 1300 inclusive, which being *unsold* were returned by the commissioners, cancelled and placed in the treasury.

154 bonds bearing 5 per cent. interest, stated to have been part of the bonds deposited in the bank of Washington, in order to be delivered to the secretary of the war department according to contract, but which *not having been taken or paid for*, were returned and cancelled.

Also 7 bonds (5 per cent.) returned by R. M. Johnson.

J. H. CREASE,
Treasurer of Arkansas.

STATEMENT—Of the distribution and payment of the Internal Improvement and Seminary funds, showing the total amount distributed to each county up to, and including the 11th distribution, made on the 1st July, 1854; the total amount drawn, and the balance remaining undrawn on the 30th September, 1854.

	COUNTIES.	Internal Improvement Fund.			Seminary Fund.			
		Distributed.	Drawn.	Balance.	Distributed.	Drawn.	Balance.	
1	Arkansas......	4843 44	4843 44	....	495 17	438 39	56 78	1
2	Ashley	4843 44	4843 44	....	228 25	228 25	....	2
3	Bradley	4843 44	4843 44	....	797 00	762 40	34 60	3
4	Benton........	4843 44	4171 84	671 60	1148 99	1087 69	61 30	4
5	Calhoun, (new county)........	4011 12	4011 12	....	17 75	nothing	17 75	5
6	Columbia, (new county)	3008 08	1965 71	1042 37	50 44	nothing	50 44	6
7	Carroll	4843 44	3801 06	1042 38	1293 52	1106 22	187 30	7
8	Crawford.......	4843 44	4843 44	....	1790 80	1748 10	42 70	8
9	Clark	4843 44	4843 44	....	905 98	786 06	119 92	9
10	Chicot.........	4843 44	3801 06	1042 38	430 09	332 54	97 55	10
11	Crittenden.....	4843 44	4843 44	....	733 82	553 37	180 45	11
12	Conway	4843 44	4843 44	....	927 99	599 49	328 50	12
13	Dallas.........	4843 44	4843 44	....	1000 89	857 24	143 65	13
14	Desha..........	4843 44	4843 44	....	1525 67	373 59	152 08	14
15	Drew	4843 44	4843 44	....	380 95	202 75	178 20	15
16	Franklin	4843 44	4843 44	....	1008 50	801 42	207 08	16
17	Fulton.........	4843 44	4843 44	....	584 33	466 66	117 67	17
18	Green	4843 44	4843 44	....	804 94	612 64	192 30	18
19	Hempstead.....	4843 44	4843 44	....	1420 59	1373 19	47 40	19
20	Hot Spring.....	4843 44	4843 44	....	692 85	499 49	193 36	20
21	Independence ..	4843 44	4843 44	....	1563 99	1479 99	84 00	21
22	Izard..........	4843 44	4171 85	671 59	754 33	543 23	211 10	22
23	Jackson*	4843 44	4171 85	671 59	839 37	626 34	213 53	23
24	Jefferson.......	4843 44	4843 44	....	824 81	470 49	354 32	24
25	Johnson*	4843 44	4171 85	671 59	1261 66	1215 66	46 00	25
26	Lafayette	4843 44	3801 06	1042 38	308 59	263 40	45 19	26
	Am't forward,	$123261 76	$116405 88	$6855 88	$20791 77	$ 17428 60	$3363 17	

STATEMENT—Of the distribution and payment of the Internal Improvement and Seminary funds—Continued.

	COUNTIES.	Internal Improvement Fund.			Seminary Fund.			
		Distributed.	Drawn.	Balance.	Distributed.	Drawn.	Balance.	
	Am't Forward,	123261 76	116405 88	6855 88	20791 77	17428 60	3363 17	
27	Lawrence......	4843 44	4171 85	671 58	1616 68	1288 09	828 61	27
28	Madison.......	4843 44	4843 44	....	1342 95	1342 95	....	28
29	Marion.........	4843 44	4843 44	....	658 47	484 01	174 46	29
30	Mississippi	4843 44	4843 44	....	378 58	282 52	96 06	30
31	Monroe.........	4843 44	4843 44	....	518 29	410 17	108 12	31
32	Montgomery....	4843 44	4843 44	....	485 69	323 56	162 13	32
33	Newton	4843 44	4843 44	....	487 07	317 70	169 37	33
34	Ouachita	4843 44	4171 84	671 60	1445 95	1084 26	361 69	34
35	Prairie	4843 44	4348 44	....	278 43	278 43	....	35
36	Perry	4843 44	4843 44	....	299 69	234 29	65 40	36
37	Phillips	4848 44	4843 44	....	1110 89	1076 49	34 40	37
38	Pike	4843 44	4843 44	....	381 40	265 75	115 73	38
39	Poinsett	4843 44	4843 44	....	660 32	507 52	152 80	39
40	Polk	4843 44	4843 44	....	323 91	283 01	40 90	40
41	Pope	4843 44	4843 44	....	1052 56	1005 31	47 25	41
42	Pulaski........	4843 44	4843 44	....	1199 27	1054 38	135 89	42
43	Randolph......	4843 44	4171 84	671 60	919 16	651 76	267 40	43
44	St. Francis.....	4843 44	4843 44	....	1177 36	1119 96	57 40	44
45	Saline.........	4843 44	4843 44	....	969 24	969 24	....	45
46	Sebastian, (new county)........	3785 65	3785 65	....	105 00	nothing	105 00	46
47	Searcy.........	4843 44	4843 44	....	555 76	522 76	33 00	47
48	Sevier.........	4843 44	4843 44	....	938 68	906 38	32 30	48
49	Scott	4843 44	4843 44	....	811 82	779 12	32 70	49
50	Union..........	4843 44	4171 84	671 60	1817 56	1737 76	79 80	50
51	Van Buren	4843 44	4843 44	....	711 21	552 18	159 03	51
52	Washington* ..	4843 44	4171 84	671 60	2654 17	2020 26	633 91	52
53	White	4843 44	4843 44	....	679 27	679 27	....	53
54	Yell	4843 44	4171 84	671 60	867 77	670 37	197 40	54
		$257820 29	$246934 82	$10885 47	$45230 00	$38276 08	$6953 92	

*Paid since 30th September.

J. H. CREASE,
Treasurer of Arkansas.

TREASURER'S OFFICE,
Little Rock, Araknsas,
1st October, 1854.

INTERNAL IMPROVEMENT FUND.

***STATEMENT—Of the Receipts and Payments, on account of the Internal Improvement Fund, from the* 1*st October*, 1852, *to* 30*th September*, 1854.**

		Receipts.	Payments.
Balance of specie on hand 1st October, 1852		$ 19616 17	....
Amount of receipts and payments during 4th quarter, 1852		40893 10	$ 9721 68
do do 1st quarter, 1853		16826 35	28185 19
do do 2d quarter, 1853		42762 11	12067 27
do do 3d quarter, 1853		14500 03	43845 20
do do 4th quarter, 1853		6976 74	25545 80
do do 1st quarter, 1854		15261 61	10569 89
do do 2d quarter, 1854		21508 93	8436 96
do do 3d quarter, 1854		8507 98	29595 79
Balance of specie in the treasury, consisting of undrawn balances due to counties upon the 11 distributions made up to 1st July, 1854, as per statement rendered herewith	$10885 47	$186853 02	$167966 78
And amount not yet distributed	8000 77	Balance.....	$18886 24
		$186853 02	$186853 02

Balance due in specie, $18,886 24.

There is also $504 10 in Arkansas bank notes, belonging to this fund, as per treasurer's last report of 1st October, 1852, which awaits action of the legislature for its disposal.

SALINE LANDS.

***STATEMENT—Of the Receipts and Payments on account of Saline lands, from* 12*th January*, 1853, (*date of the act authorizing sale of said lands*) *to the* 30*th September*, 1854.**

	Receipts.	Payments.
Amount of receipts and payments 2d quarter, 1854	$ 559 52	$ 62 50
do do 3d quarter, 1854	629 15	57 20
	$1188 67	119 70
Balance of specie in the treasury 30th September, 1854	....	1068 97
	$1188 67	$1188 67

SEMINARY FUND.

STATEMENT—Of receipts and payments on account of the Seminary fund, from 1st *October*, 1852, *to* 30*th September*, 1854.

		Receipts.	Payments.
Balance of specie in the treasury 1st October, 1852...........		$ 9631 59	....
Receipts and payments during the 4th quarter, 1852.........		742 56	$ 3201 89
do do 1st quarter, 1853.........		1371 92	1933 63
do do 2d quarter, 1853.........		2461 44	925 71
do do 3d quarter, 1853.........		979 82	1505 61
do do 4th quarter, 1853.........		3173 44	848 19
do do 1st quarter, 1854.........		1119 11	2992 77
do do 2d quarter, 1854.........		1173 61	1819 54
do do 3d quarter, 1854.........		620 46	479 13
		$21273 95	$13706 47
Balance specie in the treasury, consisting of undrawn balances due to counties upon the 11 distributions made up to the 1st July, 1854, as per statement rendered herewith...	$6953 92		
And amount not yet distributed.................	613 56	Balance.....	7567 48
		$21293 95	$21273 95
Balance due in specie..........................	$7567 48		

ARKANSAS BANK NOTES.

Amount of notes as reported in the treasury 1st October, 1852,	$6121 46
Deduct amount paid on 27th February, 1854, to the treasurer of Arkansas county, under order of county court, and certified by the auditor of this State, it being an old balance due that county for taxes collected in Arkansas bank paper,	84 45
Balance now on hand,	$6037 01

Of which sum $504 10 belongs to internal improvement fund.
245 11 to general revenue.
18 85 to counties for old balance of co. taxes.
And 5268 95 remains unappropriated.

$6037 01

NOTE—At the last session of the legislature, the committee on auditor's and treasurer's books, recommended that these notes should be registered and burned, but no order to that effect has yet been issued.

COUNTY TREASURERS.

STATEMENT—Of receipt and payment of taxes due to counties upon forfeited lands redeemed and sold by State Auditor.

NOTE—The payments herein embrace the amount refunded to individuals for tax on land improperly sold, as well as the drafts of county treasurers for the balance due their respective counties.

	Receipts.		Payments.	
	Specie.	Co. Scrip,	Specie.	Co. Scrip.
Balance due to counties as per report 1st October, 1852	593 57	301 39	....	....
Receipts and payments during 4th qr. 1852.	42 24	6 30	114 29	48 80
do 1st qr. 1853,	717 89	297 70	48 53	4 79
do 2d qr. 1853,	30 93	107 35	82 24	39 65
do 3d qr. 1853.	100 66	63 83	17 51	42 00
do 4th qr. 1853.	741 82	580 91	40 12	6 97
do 1st qr. 1854,	709 13	597 80	3 52	6 18
do 2d qr. 1854.	359 52	160 52	846 01	320 90
do 3d qr. 1854,	81 90	....	598 26	473 27
	$3377 66	$2115 80	$1750 48	942 51
Balance due counties	....	....	1627 18	1173 29
	$3377 66	$2115 80	$3377 66	$2115 80

Balance due 30th September, 1854:		
In specie	$1627 18	
In county scrip	1173 29	$2800 47

ESCHEATS.

STATEMENT—Of the amount of escheats paid over in specie by former treasurer, to the credit of the school commissioners of the following named counties, viz:

School commissioner	of	Phillips	county,	$21 66	
do	do	Lawrence	do	06	
do	do	Yell	do	40 99	$62 71

STATEMENT—Of REVENUE received from sheriffs for the collection of State tax.

WHEN RECEIVED.	Treasury Warrants.	Specie.	Total.
Amount received during 4th quarter, 1852..........	$ 51784 88	$28082 8	$79867 78
1st quarter, 1853..........	275 39	1 38	276 77
2d quarter, 1853..........	3353 88	55	3354 48
3d quarter, 1853..........	5381 23	....	5381 23
4th quarter, 1853..........	6963 53	1 75	6965 28
1st quarter, 1854..........	10424 38	77 22	10561 60
2d quarter, 1854..........	47470 66	49522 22	96992 88
3d quarter, 1854..........	....	10 26	10 26
	$125653 95	$77696 23	$203350 18

Note—$ 77696 23 specie, is carried to credit of "general revenue" account,
and $125653 95 to account "warrants issued and redeemed."

$203350 18

STATE REVENUE—(and county tax) received from Auditor's sale of forfeited lands.

WHEN RECEIVED.	State tax.		County tax.		Total.
	Specie.	Warrants.	Specie.	County scrip.	
Am't rec'd during 4th quarter, 1852,	36 32	35 00	42 24	6 30	119 86
1st quarter, 1853.	44 48	3122 76	717 89	297 70	4182 83
2d quarter, 1853,	11 48	262 50	30 93	107 35	412 26
3d quarter, 1853,	14 79	288 84	100 66	63 83	468 12
4th quarter, 1853,	8 07	2639 98	741 82	580 91	3970 78
1st quarter, 1854,	145 71	4406 65	709 13	597 80	5859 29
2d quarter, 1854,	965 23	75 65	359 52	160 52	1560 92
3d quarter, 1854,	166 40	....	81 90	....	248 30
	$1392 48	$10831 38	$2784 09	$1814 41	$16822 36

Note—$ 1392 48 specie is carried to credit of "general revenue" account.
10831 38 to account "warrants issued and redeemed."
2784 09 specie, } to credit of "county treasurers."
1814 41 county scrip, }

$16822 36

REVENUE ARISING FROM SALES OF DIGEST.

	Specie.	Treasury Warrants.	Total.
1852, October 19th, received from Secretary of State......	$117 00	$ 7 50	$124 50
1852, November 1st do do do do	41 00	10 00	51 00
1854, February 13, do do do do	....	15 00	15 00
	$158 00	$32 50	$190 50

$158 00 is carried to Cr. general revenue.
32 50 do Cr. warrants issued and redeemed.

$190 50

STATEMENT—Of Treasury warrants issued and redeemed from 1st October, 1852, to 30th September, 1854.

Balance outstanding warrants, as reported 1st October, 1852...		$58833 43	
Since issued as follows:			
Amount during 4th quarter, 1852..................	$29648 06		
1st quarter, 1853..................	21194 79		
2d quarter, 1853..................	14582 26		
3d quarter, 1853..................	15620 58		
4th quarter, 1853..................	14440 40		
1st quarter, 1854..................	11291 41		
2d quarter, 1854..................	10140 81	116918 31	$175751 74
Redeemed as follows:			
Amount treasury warrants received from sheriffs in part payment, collection of State taxes, as per statement rendered herewith		125653 95	
Do rec'd in part of State tax on auditor's sales per do..........		10831 38	
Do in part sales of Digest by Secretary of State.............. ..		32 50	
Amount redeemed by treasurer with specie, as per list.........		*38862 15	$175379 98
Balance treasury warrants outstanding 30th September, 1854.................			$371 76

*Redeemed with specie 4th quarter, 1852....................	$34508 01
do do do 1st quarter, 1853....................	212 83
do do do 2d quarter, 1853....................	322 31
do do do 2d quarter, 1854....................	3775 25
do do do 3d quarter, 1854....................	43 75
	$38862 15 as above.

STATEMENT OF GENERAL REVENUE.

By balance of this fund as reported to be on hand 30th September, 1852, in specie, $16.692 22 and 400 65 in treasury warrants, (which have since been paid in specie,)		$17092 87
Amount of specie since received for account of general revenue from the following sources, viz:		
Amount of specie rec'd from sheriffs per statement herewith,	$77696 23	
Amount specie from auditor's sales do	1392 48	
Amount do from sales of Digest,	158 00	79246 71
Total amount received,		$96339 58
Expended as follows:		
Amount of auditor's warrants drawn on acc't general revenue and paid in specie,	$27502 60	
Amount treasury warrants redeemed with specie,	38862 15	
Paid Jno. Delaney, *upon his receipt*, under an act approved 24th Dec., 1852,	460 54	66825 29
Leaving a balance due in specie, 30th Sept. 1854,		$29514 29

Also, the sum of $245 11 in Arkansas bank notes, as reported on hand 30th Sept., 1852, and not yet disposed of.

NOTE—Out of the above balance of $29514 29, the sum of $371 76 must be held subject to the redemption of that amount of treasury warrants still outstanding, and the residue is subject to be drawn for disbursing the general expenses of the State government.

J. H. CREASE,
Treasurer of Arkansas.

TREASURER'S OFFICE,
Little Rock, Arkansas,
30th September, 1854.

STATEMENT—Of Auditor's Warrants paid by the State Treasurer (in Specie or Treasury Warrants, as designated below,) from 1st October, 1852, to 30th September, 1854, inclusive.

WHEN PAID.	General Revenue paid in.		Internal Improvement Fund.	Seminary	Saline.	Total.
	Specie.	Treasury Warrants.	Specie.	Specie.	Specie.	
Amount paid during 4th quarter 1852,	9249 50	29648 06	9721 68	3201 89	.....	51821 13
do 1st quarter 1853,	....	21194 79	28185 19	1933 63	.....	51313 61
do 2d do "	....	14582 26	12067 27	925 71	.....	27575 24
do 3d do "	....	15620 58	43845 20	1505 61	.....	60971 39
do 4th do "	....	14440 40	25545 30	848 19	.....	40833 89
do 1st quarter 1854,	....	11291 41	10569 39	2992 77	.....	24853 57
do 2d do "	9174 68	10140 81	8436 96	1819 54	62 50	29634 49
do 3d do "	9078 42	....	29595 79	479 13	57 20	39210 54
Amount Auditor's Warrants,	$27502 60	$116918 31	$167966 78	$13706 47	$119 70	$326213 86
The Treasurer also paid (without Auditor's Warrants) on 27th December, 1852, upon *receipt* of Jno. Delany, under act approved 24th December, 1852, to refund an Escheat paid into State Treasury						460 54
Total amount of Treasurer's payments,						$326674 40
The Auditor reports in Warrants and Receipt,						326644 40
Difference,						$30 00

Which difference arises from the Treasurer having redeemed *during the present fiscal year*, Warrant No. 255, favor N. B. Burrow, (dated 11th January, 1851,) for $30 00, included in the Auditor's last report.

***STATEMENT**—Of several "accounts of appropriation" upon which the foregoing list (amounting to $326,674 40) of Auditor's warrants were drawn, have been distributed and charged, viz:*

171	Paid on appropriation for members and officers of the General Assembly,	$29,707 65
189	Contingent expenses of the Senate and House of Representatives,	4,058 30
191	*Fuel* and *stationery* for the General Assembly, and fuel for the offices of Governor, Secretary of State, Auditor and Treasurer,	387 10
193	Printing and distributing acts and journals of the General Assembly,	5,848 73
194	Paid Secretary of State for copying laws, etc., at session 1852 and 3,	250 00
195	Salary of Governor of Arkansas,	3,600 00
196	do Governor's Private Secretary,	781 73
197	do Secretary of State,	2,000 00
198	do Auditor of Public Accounts,	2,400 00
199	do Treasurer of State,	1,600 00
200	do Judges of the Supreme Court of Arkansas,	10,875 00
201	do Special Judges of the Supreme Court,	1,400 00
202	do Reporter of the decisions of the Supreme Court,	744 50
203	do Judges of the Circuit Courts of Arkansas,	16,598 79
205	do Prosecuting Attorneys and Prosecuting Attorneys pro tem,	3,450 00
207	Paid two clerks in the Auditor's office,	2,378 49
209	Paid bank officers in part of salary, (appropriation expended,)	4,981 38
210	Contingent expenses of the Executive Department (including only the Governor and Secretary of State) and expenses of the Supreme Court, paid out of an unexpended balance of appropriation, 30th September, 1852,	2,196 83
211	Contingent expenses of the Executive Department, including only the Governor and Secretary of State, paid out of appropriation of 11th January, 1853,	4,248 97
213	Appropriation to defray expense of furnishing Executive office,	110 68
214	Contingent expenses of the Auditor's office paid out of unexpended appropriation for Auditor and Treasurer, 11th January, 1851,	34 40
215	Contingent expenses of Auditor's office under appropriation 11th January, 1853,	985 17
216	Contingent expenses of Treasurer's office, under appropriation 11th January, 1853.	365 20
	Amount carried forward,	$99,002 92

LIST OF EXPFNDITURES CONTINUED.

	Amount brought forward,	$99,002 92
217	Expenses of the Supreme Court,	3,051 64
218	Appropriation for library of Supreme Court,	400 00
219	do furniture for library and consultation room of Supreme Court,	43 30
220	Appropriations for repairs and new roofing the Supreme Court room,	245 75
221	Printing, binding and distributing reports of the decisions of the Supreme Court,	3,066 44
222	Appropriation 11th January, 1853, to pay for necessary repairs on public buildings,	500 00
223	Advertising lands for sale by Auditor, for non-payment of taxes,	203 00
224	Paid U. S. land officer for furnishing Auditor with list of land sold and subject to taxation,	611 85
226	Paid for recording same in township order under appropriation of 1838,	115 12
225	Purchase of books, and copying the returns (now on file in the Auditor's office,) of lands forfeited or sold at collector's sale,	750 00
228	Amount refunded for taxes improperly paid into the treasury under act 14th January, 1843,	793 40
235	To pay electors of President and Vice President,	211 50
229	Special appropriations made at session commencing 1st Nov. 1852, and ending 12th Jan. 1853,	6,976 26
236	To pay D. E. Williams and A. C. Owen, for list of lands subject to taxation in Hempstead and Lafayette counties,	118 64
236	To refund an escheat paid into the treasury by Jno. Delaney,	460 54
237	To pay administrator of M. W. Dorris, the amount awarded by chancery court, for purchase of banking house at Post of Arkansas,	476 00
237	To erect a suitable monument over grave of the late Hon. J. A. Lovejoy,	50 00
239	For building a wall around the penitentiary house, under act 11th January, 1853,	26,248 00
240	To pay all costs which have been or shall be adjudged against State Bank of Arkansas,	1,008 68
243	To pay sheriffs, in case of runaway slaves, under act 9th January, 1851,	548 41
	Total expenditures on general revenue account.	$144,881 45
	Amount carried forward, $144,881 45	

LIST OF EXPENDITURES CONTINUED.

	Amount brought forward,			$144,881 45
	Internal Improvement Fund, viz:			
245	Paid internal improvement commissioners on account of the semi-annual distribution of this fund among the several counties of the State,		$164,279 96	
257	Paid sundry persons (under special appropriation,) to refund amount paid by them for land not confirmed by the United States,		792 88	
252	Paid State Treasurer for receiving and disbursing the internal improvement and seminary fund under act 10th January, 1851,		400 00	
251	Paid salary of L. J. Reardon, former Land Agent, under act 10th January, 1849,		625 00	
259	Paid office expenses of the same, under act 10th January, 1845,		68 05	
254	Extra clerk hire in the Auditor's office, in respect to this fund, paid under act of 10th January, 1851,		851 67	
255	Paid for making and marking plats,	$278 40		
	Proportion of the salary and office expenses of the (5) land agents, chargeable to this fund, under act 12th January, 1853,	417 36		
	Advertising notice of forfeited lands,	77 25		
			773 01	
253	Paid costs accruing in prosecution of suits by the State in respect to the 500,000 acres land,		176 21	
				$167,966 78
	Amount carried forward,			$312,848 23

LIST OF EXPENDITURES CONTINUED.

	Amount brought forward,			$312,848 23
	Seminary Fund.			
261	Paid to County Treasurers and School Commissioners, on account the semi-annual distribution of this fund, among the several counties of the State,		$ 13,578 15	
268	Paid for making and marking plats,	$20 80		
	Proportion of the salary and office expenses of the (5) Land Agents, chargeable to this fund, under act of 12th January, 1853,	86 02	106 82	
270	Paid costs accruing in prosecution of suits by the State in respect to seminary lands,		21 50	
				13,706 47
	Saline Fund, viz:			
273	Paid for advertising land agent's notsce of " saline lands for sale " in four newspapers,		96 50	
	Paid the proportion of Land Agent's salary, and expenses of office, which is chargeable to this fund, under act 12th January, 1853,		23 20	
				119 70
	Total amount of " expenditures " for fiscal year ending 30th September, 1854,			$326,674 40

J. H. CREASE,
Treasurer of Arkansas.

TREASURER'S OFFICE,
Little Rock, Arkansas,
30th September, 1854.

SWAMP LAND FUND.

STATEMENT—Of the amount of Auditor's warrants drawn upon the Treasury, on account of swamp lands (under act 16*th January,* 1853,) *and which have been redeemed by issuance of Treasurer's certificates; (for purchase and entry of swamp land) commencing* 11*th April,* 1853, *and ending* 30*th September,* 1854.

No. of Auditor's Warrants—when issued.	Amount.	
No. 1 to 21; from 11th April to 30th June, 1853,	29786 29	
22 to 117, drawn during 3d quarter 1853,	200050 73	
118 to 223, do 4th do	55042 58	
No. 1 to 134; do 1st quarter 1854,	254225 93	
135 to 268, do 2d do	346684 64	
269 to 305, do 3d do	27400 93	
Total amount of Treasurer's certificates issued upon Auditor's warrants to 30th September, 1854,		$ 913191 10

STATEMENT—Of the amount of swamp land certificates which have been received by the State Treasurer in payment of swamp and overflowed lands, sold by the several land agents herein named.

NOTE.—The certificates issued by the swamp land commissioners are each for 160 acres of first or second quality swamp land, and have here been converted into dollars and cents, at the prices of 50 and 75 cents per acre, as prescribed by law.

No. of Receipts—To whom issued—Date.	In certificates issued by State Treasurer.	In certificates issued by Sw'p Land Commissioners.	Total.
1 & 2, D. W. Carroll, Pine Bluff, 9th Jan., 1854,	$ 1164 40	$ 440 00	$ 1604 40
3, Jesse Jackson, Helena, 1st March, 1854,	110470 80	7080 00	117550 80
4, Chas. E. Toby, Dardanelle, 17th May, 1854,	5629 25	120 00	5749 25
5 & 6, D. W. Carroll, Pine Bluff, 10th July, 1854,	59929 90	12000 00	71929 90
7, B. F. Hempstead, Washington, 10th July, '54	6254 96	2640 00	8894 96
8, Garlan Silvey, Jacksonport, 29th Aug., '54,	19982 62	560 00	20542 62
9, J. A. Jackson, Helena, 2d September, 1854,	82399 70	7720 00	90119 70
10, B. F. Hempstead, Washington, 9th Sept., '54.	340 00	120 00	460
	$286171 63	$ 30680 00	$ 316851 36
There was also received on 26th April, 1854, as per receipt to Wm. E. Butts, Secretary, etc., for sales made or confirmed by the board of swamp land commissioners, as per list filed in the Auditor's office,	57659 30	45840 00	103499 30
Total amount received to 30th September, 1854,	$343830 93	$ 76520 00	$ 420350 93

J. H. CREASE,
Treasurer of Arkansas.

*STATEMENT—Made (at request of the Governor,) with a view of ascertaining, near as practicable, what portion of the foregoing swamp land warrants (amounting to **$913,191 10,**) were drawn for expenses, other than the actual construction of levee, etc. See note at foot of this statement.*

Paid swamp land commissioner on account of salary, viz:			
Warrants per list to L. J. Reardon to 22d July, 1854,		$2777 79	
do Jno. McDaniel, to 31st July, 1854,		2866 47	
do J. D. Dickson, to January, 1854,		1806 33	
			$ 7450 59
Paid 13 warrants for "salary of sub-commissioners, per list,"			1821 00
do 14 do to "Engineers and assistant engineers,"			14228 67
do 21 do for "locating swamp land,"			5083 75
Paid warrant to A. Pike, on order of commissioners for legal services			1500 00
do do to L. J. Reardon, for expenses to Washington City,			249 30
Salary to W. E. Butts, secretary to board of commissioners,		1200 00	
do to R. Maloney, "cle.k and sub-commissioner,"		1159 93	
Paid 10 warrants to sundry persons, "printing blanks,"		597 81	
Paid W. E. Butts, for postage, stationery etc., for office,		281 49	
Paid Jno. E. Reardon, $82 00, Jacobi $75 00 and Etter, $31 50, for... stationery,		188 50	
Paid H. L. Biscoe, for office rent, to April, 1854,		218 50	
Paid the following named persons for furnishing plats and diagrams, under order of commissioners, viz:			
W. H. Etter,	$230 00		
W. W. Adams,	118 00		
I. Wilamowiez,	50 00		
E. L. Pryor,	56 00		
		45 00	
And the following persons for "making and marking plats," under the direction of the Auditor:			
Jno. E. Knight,	$1902 50		
A. M. Woodruff,	2157 50		
H. V. Seckendorff,	1866 75		
A. Grellett,	971 75		
		6898 50	
Paid S. H. Tucker, furnishing platting paper, etc.,		150 00	
Paid Geo. Berryman, do two frames for tracing plats,		17 50	
Paid P. Hanger, stage fare on roll plats to Hempstead county,		6000	
			$ 7526 00
Amount carried forward,			$ 41505 54

Amount brought forward,		$41505 54
Paid for "advertising sale of swamp land," viz:		
For Helena district, 4 warrants; per list,	$5897 50	
For Pine Bluff do 5 do do	4389 00	
For Jacksonport, do 2 do do	4018 00	
For Washington, do 1 do do	675 50	
For Dardanelle, do 2 do do	700 00	
		15680 00

Paid land agents for the proportion of their salary and office expenses chargeable to this account, viz:

	Salary and office expenses.			
J. A. Jackson, Helena district, to August 1854,	$765 00	813 83	1578 83	
D. W. Carroll, Pine Bluff do June, 1854,	299 32	322 99	622 31	
B. F. Hempstead, Washington, 30th June, 1854,	324 50	177 00	501 50	
Garlan Silvey, Jacksonport, 8th August, 1854,	387 00	242 00	629 00	
Charles E. Toby, Dardanelle, was retained from sales of land,				
				3331 64

Paid Henry Jacobi, for port folios, furnished the following land districts, viz: Helena, $198 00; Washington $139 50; Pine Bluff, $163 50; Dardanelle, $102 00; Jacksonport, $83 00 and 21 54		707 54
Paid J. A. Hutchings, clerk in the Auditor's office,	$900 00	
Paid sundry bills for stationery and printing for Auditor,	182 81	
		1082 81
Paid for books, stationery and printing, for Treasurer's office,		306 00
Amount of expenses,		$62613 53
There is one warrant to Boyd Bayley, for services as sub-commissioner and levee work, without designating how much to each,		2550 54
Also, 1 warrant "to refund to J. W. Buckner, for land previously entered,"		222 33
do 5 do to refund to certain persons an excess of scrip paid upon application to enter land,		205 55
Also, 2 warrants, say J. Solesbury, $120; B. Brook, $60; for which the services is not designated,		180 00
☞ The residue of the warrants drawn, express the service rendered as being "for work under contract," for "levee work," "for ditching" and "for draining," amounting to		847419 15
Total amount of Auditor's swamp land warrants drawn on the treasury from 11th April 1853, to 30th September, 1854,		$913191 10

NOTE—The other swamp land commissioners (forming basis of the greater portion of Auditor's warrants) is rarely accompanied with any other voucher; and the nature of the service rendered is but briefly expressed—hence this statement, being formed solely from these warrants, can be considered only as *approximate;* the office at Helena being the only source from which a critically correct statement of expenditures can, at present, be derived.

J. H. CREASE,
Treasurer of Arkansas.

***LIST OF NAMES** to whom made payable, and amount of the warrants referred to in the foregoing statement of expenditures on account of swamp land fund.*

Paid Engineers and Assistant Engineers, viz:

Paid	Jno. McSheehy,	in 4	warrants,	am't	$9,748 21	
"	Boyd Bailey,	in 6	"	"	2,880 49	
"	D. Garretson,	in 2	"	"	1,035 14	
"	E. H. Gilbert,	in 1	"	"	32 50	
"	Davis Thompson, Chief Engineer, on account,				532 33	
						$14,228 67

Paid Sub-Commissionesrs, viz:

E. L. Prior,	$420 00
D. W. Carroll,	257 00
David Garretson,	160 00
Jno. R. Lewellyn,	240 00
I. Brandenberg, 2 warrants,	176 00
B. W. Green, 2 do	160 00
Miles Knowlton, 2 do	90 00
Milton Sanders,	130 00
M. G. Welch,	102 00
J. M. Shultz,	86 00
	$1821 00

Paid Locating Agents viz:

Wm. K. Inglish,	$480 00
Finis Leech, 2 warrants,	780 00
W. H Wells, 2 do	464 00
Warrant for S. Gaster, assignee of Wells and others,	1000 00
M. G. Welch,	100 00
A. J. Hays, in 3 warrants,	554 00
L. C. Morgan, 4 do	579 00
Wm. D. Ford, 2 do	662 00
Jno. Bruton,	132 25
W. G. Harrison,	140 00
H. B. Allis,	66 50
Thos. J. Mellen,	80 00
Robert Pate,	46 00
	$5083 75

PAID FOR ADVERTISING SWAMP LANDS FOR SALE.

HELENA DISTRICT.

Paid C. C. Danley, for advertising in State Gazette & Democrat,	$2,045 75	
Underwood and Cleaveland, in Democratic Star and Southern Shield,	2,045 75	
Cleaveland & Johnson, in Democratic Star,	903 00	
Q. K. Underwood, in Helena Shield,	903 00	
		$5,897 50

PINE BLUFF DISTRICT.

Paid C. C. Danley, for advertising in State Gazette & Democrat.	1,375 50	
E. H. Vance, in Pine Bluff Republican,	780 50	
E. H. Vance, "advertising swamp lands in Pine Bluff district,"	1,438 50	
James. A. Warner, advertising in Young America,	794 50	
		4,389 00

WASHINGTON DISTRICT.

Paid C. C. Danley, for advertising in State Gazette & Democrat,		675 50

DARDANELLE DISTRICT.

Paid R. H. Johnson, for advertising in True Democrat,	350 00	
F. M. & S. C. Colburn, in Dardanelle Post,	350 00	
		700 00

JACKSONPORT DISTICT.

Paid C. C. Danley, for advertising in State Gazette & Democrat,	2,002 00	
Johnson & Yerkes, in True Democrat,	2,016 00	
		4,018 00
		$15,680 00

SYNOPSIS OF BALANCES

In the State Treasury on the 30th September, 1854.

Pp. of this book.		Specie.	County scrip.	Arkansas bank paper.
8	Balance due internal improvement fund,	$ 18886 24		$504 10
9	do seminary fund,	7567 48		
	do saline fund,	1068 97		
10	Balance due to counties for county taxes,	1627 18	$ 1173 29	18 85
	do commissioners for escheats,	62 71		
	Monument fund received of J. J. Hamett,	45 00		
11	Balance general revenue, of which $371 76, is subject to redemption of outstanding treasury warrants and the residue to State expenditures,	29514 29		245 11
		$ 58771 87	$ 1173 29	778 06
9	Amount of Arkansas bank notes remaining unappropriated in State treasury,			$5268 95
		$ 58771 87	$ 1173 29	$6037 01

There is also in the State Treasury, redeemed treasury warrants, viz:

Pp.			
	Amount received from Wm. Adams, late Treasurer,	$ 2645 86	
	Redeemed by J. H. Crease, Treasurer, to 30th Sept., 1852,	73863 62	
12	do by same, to 30th September, 1854,	175379 98	
	Total redeemed treasury warrants,	$251889 46	
	Amount of bonds and coupons received from S. Adams,	3764 58	
	One piece old State scrip from Wm. Adams,	30 00	
			$255684 04

Summary:

Amount of specie,	$ 58771 87
County scrip,	1173 29
Arkansas bank notes,	6037 01
Redeemed warrants, bonds, etc.,	255684 04
Total,	$321666 21

J. H. CREASE,
Treasurer of Arkansas.

TREASURER'S OFFICE,
Little Rock, Arkansas,
30th September, 1854.

REPORT

OF THE

STATE LAND ATTORNEY.

OFFICE OF THE LAND ATTORNEY AND STATE COLLECTOR,
Little Rock, Ark., Nov. 16, 1854.

To his Excellency, ELIAS N. CONWAY,
Governor of Arkansas:

SIR: In compliance with an act of the last General Assembly, I submit to you the following report of my official proceedings, since the 1st January, 1853; containing also statements of amounts of money collected by me prior to that time, which are included herein, for the reason that I made no report to the last legislature, none being at that time required of the land attorney, by law.

Since the 1st January, 1853, I have collected money due the State of Arkansas, on account of sales of land belonging to the 500,000 acres, granted by Congress to this State, for the use of internal improvement, as follows, to wit:

From 1st of January to 31st December, 1853, the sum of $83,137 90, and from 1st January to 30th September, 1854, the sum of $48,591 94, amounting in the aggregate to $131,729, 84. Add to this amount $39,246 49, collected prior to 1st January, 1853, and it increases the amount to $170,976 33, collected by me for the internal improvement fund, since my appointment to this office, in October, 1851.

I have also collected as follows for the seminary fund, to wit:

From 1st January to 31st December, 1853, the sum of $4,198 85; and from 1st of January to 30th September, 1854, the sum of $2,095 82, making together the sum of $6,294 67. Add to this $775 17, collected prior to 1st January, 1853, and it makes the whole amount collected by me for that fund $7,069 84. The whole amount I have collected for the two funds is $178,046 17, as is shown fully and in detail by the books in the treasurer's office.

In pursuance of an act of the General Assembly, entitled "An act to adjust the title and provide for the sale of certain lands of the grant of 500,000 acres, contracted for by persons who have proved insolvent, or left the State without making any payment for said lands, and for other purposes," approved 10th January, 1851, and revived by act of 12th January, 1853, and of an act entitled "an act to amend the laws in respect to the lands donated to the State," approved 11th January, 1853, I have, for the causes mentioned in said acts, caused to be forfeited to the State from 37 to 40,000 acres of land, which had been sold as a portion of said 500,000 acres granted to this State by Congress, the greater portion of which, as I learn, has been resold by the land agents.

There is yet a large number of acres (say 40,000) of said grant which could be forfeited; the facts necessary to the forfeiture of which I have been accumulating as speedily as I could obtain them, for I have felt a deep interest in, and devoted myself with much diligence to this branch of my official duty, as it is a consideration of vital importance to the State that these lands should be forfeited and resold to persons able to pay for them. Such of these as can be forfeited, under existing laws, I shall proceed to forfeit as soon as practicable; but there is a considerable portion of them which should, but cannot be forfeited without additional legislation.

In pointing out what legislation is necessary to their forfeiture, and in suggesting some modification of the whole system for the forfeiture of State lands, I must necessarily advert to some of the provisions of the acts, the titles of which are given above. The act approved 10th January, 1851, provides, among other things, that lands sold at the price of $2 per acre, shall be forfeited for the causes therein named, provided nothing has been paid upon the notes executed therefor. Now, I hold a number of notes executed for lands at that price, upon which small payments have been made, on account of which payments the lands cannot be forfeited, under the said act of 10th January, 1851, although the purchasers have long since become insolvent, and most of them non-residents of this State. It is obvious that a law should be passed for the forfeiture of this class of lands. There is still another class of State lands for the forfeiture of which there is no law in existence. I allude to lands which were sold at rates under $2 and over $1 25 per acre—for instance, those lands which were sold for $1 26 per acre. The forfeiture of these also should be provided for.

I beg leave to suggest that the laws now in existence, for the forfeiture of State lands, should be so modified and amended as to give more uniformity of procedure in cases of forfeiture. As the law now stands, lands that were sold at $2 and those that have been sold at $1 25 per acre, are without reason, forfeited and resold by entirely different modes of proceeding. For illustration, by the act of 10th January, 1851, it is provided that the $2 lands shall be advertised for forfeiture, and resold by the land agent of the proper district, at public auction to the highest bidder over $1 25 per acre; the consequence of which is that they frequently sell at prices ranging from $1 25 to $5 and $10 per acre, while the act of 11th of January, 1851, provides that when lands that were sold at $1 25 are to be forfeited, they must be advertised by the land attorney, and after forfeiture to be resold by the land agent, at private entry, for $1 25 per acre, instead of being offered at public sale, to the highest bidder over $1 25, as the interest of the State requires they should be. The laws should, therefore, be so modified as to provide that these lands should all be forfeited by the same process and resold upon the same terms.

No provision has as yet been made by the legislature for the forfeiture of seminary lands in cases where from the insolvency or non-residence of purchasers and their securities, the State will not be able to collect the amounts due; as there are already several cases of this kind, and as others will doubtless occur, I submit that it is important that a law providing for forfeiture in such cases should be enacted by the present General Assembly.

The almost numberless forfeitures of State lands, which have already occurred and which, without some change in the laws regulating their sale, must continue to take place in the future, follows as a natural consequence of the unguarded and unrestricted terms upon which they have been sold.

In the sale of these lands no distinction is made by law between residents aud non-residents—no standard is established as to pecuniary responsibility, nor security or guarantee of any kind, required of the purchasers that the purchase money will ever be paid, and consequently hundreds of persons allured by these exceedingly liberal, but to the State, unfortunate terms, were induced to purchase a section, half or quarter section of land on speculation, as there was nothing to do but to make application and execute their individual notes for the purchase money. The majority of these persons were mere adventurers in the State, or other words they were unsettled persons in pursuit of their fortunes, and have long since left the country, and abandoned their purchases—their lands have been forfeited, and some of them are subject to forfeiture a second time. The class of persons to which I have just been alluding, were for the time being citizens of the State, which, in a considerable degree mitigates the wrong they did in making those improvident purchases; but there is another class of persons who have, within a few years past, been speculating most recklessly in these lands, from whom the State has received the greatest injury; this class being made up of non-residents—citizens of Tennessee, Kentucky, Alabama and other States, comprises not only adult men, but minors and married women, incompetent to contract.

These persons have generally been induced to purchase by representations made to them by non-resident private land agents, who have been going to and fro through our State hunting up the best of these lands for these non-resident purchasers, few of whom ever expect to emigrate to Arkansas, and fewer still to pay one cent of the purchase money, unless perchance they might happen to make a considerable speculation by sale of their interest, making it thereby necessary to get a deed from the State.

I do not speak at random when I say that most of those non-residents are insolvent and that they have no idea of emigrating to and settling the lands they have bought, for, having by inquiry, learned that many of them resided in Tennessee, and that a few of them were repsonsible, I visitedthat State during the last winter with a view to make collections on their notes. I found some of them, and became informed as to the pecuniary responsibility of many others, Most of them are irresponsible, a few are able to pay, but such of them as I could see, would not pay a dollar; so I placed their notes in the hands of a trustworthy and responsible lawyer of Memphis, for collection, agreeing to give him for his trouble the compensation allowed me in such cases.

In making the remarks I have in relation to these non-resident purchasers, I do not mean to disparage or impute improper motives to them, for if the laws of the State of Arkansas offered the boon in the liberal terms upon which these lands were sold to them, they could not be blamed for accepting. If this swarm of speculating agents and non-resident purchasers have for several years past almost monopolized the purchase of these State lands, to the exclusion of our own citizens and to the great delay which must follow in the final completion of the sale of these lands and colection of the purchase money, we must not cast all the odium upon them, for we have, by our own laws, expressly authorized and permitted them to pursue this course. I have been led to remark thus, with a view to demonstrate as clearly as I could the great necessity that the laws in reference to the sale of State lands should be so amended as to prevent a recurrence of these abuses in future. There remains yet to be sold from sixty to a hundred thousand acres of the grant of 500,000 acres, including that which never has been sold and that which is to be forfeited and resold; and in order that this may not have to be sold, forfeited and resold again and again, as has been the case heretofore, certainly the law should be so amended as to require resident security on the part of non-residents, and some sufficient guaranty on the part of citizens who propose to purchase. Unless some such amendment be adopted by the legislature, it is obvious that years and years to come will not suffice to settle up and consummate the affairs of the internal improvement fund.

In the 1847–48, E. Cummins, esq., one of my predecessors, recovered in the Pulaski circuit court, on behalf of the State for the use of the seminary fund, seven judgments against Richard Pryor, John W. Paup and James Trigg, citizens of Lafayette and Hempstead counties, upon bonds which they, as principal and securities of each other, had executed for seminary lands which judgments amount in the aggregate to, say $34,000, with 10 per cent. interest from date of judgments, etc. Prior to the year 1852, those parties filed on the chancery side of the circuit court of Pulaski county, bills to enjoin the collection by the State, of the amount due on all of these judgments except one and a portion of another. In these suits the interest of the State was ably represented by Mr. Cummins; but nevertheless, our supreme court granted the complainants the relief sought, and perpetually enjoined the State from collecting the money due on said judgments. This occurred before the undersigned held this office. In June, 1852, James Trigg, and in 1853, the administrator of John W. Paup, deceased, filed in the Pulaski circuit court their two separate bills in chancery, praying that the State may be enjoined from collecting the remaining balance of said judgments, amounting, principal and interest, to from 12 to $15,000. Those suits are still pending, and are set for final hearing at the next term of the court.

In order that the interest of the State might be the better represented I have employed one of the most able and distinguished lawyers of Little Rock to assist me in those cases; the fee for whose services, I have already paid out of my own money. So that the State will not be called upon to make an allowance for compensation for his services in that behalf.

I have thus reported the few facts which pertain to this office and the discharge of its duties. I have also attempted some suggestions as to amendments of such parts of the State land laws as are connected more particularly with the duties of the land attorney. Many others might be made as to those laws, but I leave them to other officers from whom they would come with more propriety.

I am, very respectfully,
your ob't servant,
JOHN T. TRIGG, *Land Attorney*
and State Collector, Ark.

REPORT

OF THE

FINANCIAL RECEIVER.

Bank of the State of Arkansas,
Financial Receiver's Office,
Little Rock, October 31st, 1854.

His Excellency, Elias N. Conway,
Governor of Arkansas.

Sir: On the 17th instant I received official charge of the books, papers, assets, etc., of this bank. The short time, therefore, that has elapsed, has not enabled me to make that thorough examination necessary to a *full* knowledge of the affairs and condition of this institution. As soon as I can have the accounts of my predecessor posted up, I will make a supplemental report to the General Assembly, shortly to be in session—showing the amount of debts collected since his last report to the legislature; and, of those remaining unpaid, the respective amounts that may be classed as solvent, doubtful, insolvent, or lost. From the partial examination, however, which I have been enabled to make, I am satisfied, and can so state with accuracy, that there is still a large amount of good solvent debts yet due the bank; and out of that amount, a large portion has fallen on securities, the most oppressive kind of debts. In view of these facts, in view of the general and disastrous failure of the crops this year, as well as the great stringency in the money market, I would respectfully recommend as extension of the liquidation act for two years, which expires on the 12th day of January next, in order to enable the debtors to this bank, to purchase State bonds with which to pay their debts. As it has heretofore been considered a wise, good and honest course for the State to take up her bonds, sold in good faith, by all fair means within her power, (for a different sentiment, on this subject, I believe no honest man has yet had the hardihood to avow), a re-enactment of the law I have recommended, would greatly foster that policy heretofore pursued, by aiding the State to pay her indebtedness,

With the view of carrying out this policy to some extent, I did, on the 17th, 18th and 19th instant, exchange twenty-three hundred and seventeen coupons, (bearing interest long since due on State bonds of the real estate bank, held by this bank,) together with a small amount in real estate bank notes, for *forty-nine* State bonds of the real estate bank, bearing 6 per cent. interest per annum, and also for *twelve* State bank bonds, bearing 5 per cent. interest per annum, which last mentioned bonds have been cancelled and filed with the State treasurer, as required by law. For a more detailed account on this subject, reference is here made to statement marked "A," accompanying this report, and made a part thereof. Statement marked "B," also accompanying this report, and made a part of it will show, that this bank has *now* on hand, *three hundred and thirteen* real estate bank bonds, making the sum of *three hundred and thirteen thousand dollars*, and that the interest due thereon, at this date, amounts to the sum of *one hundred and thirty-two thousand, nine hundred and thirty-five dollars and thirteen cents*, together with *seventy-three* detached coupons of real estate bank bonds, amounting to *twenty-one hundred and ninety dollars*, and making together the aggregate sum of *four hundred and forty-eight thousand, one hundred and twenty-five dollars and thirteen cents*, due at this date, from the real estate bank to this bank, for amount of bonds, interest due thereon, and detached coupons from real estate bank bonds. In addition to which, this bank also holds the notes of the real estate bank, amounting to the sum of *three hundred and eighty-five dollars*, which increases the said amount due from the real estate bank, to the sum of *four hundred and forty-eight thousand, five hundred and ten dollars and thirteen cents.*

The State bank having become dispossessed of the banking house, during the lifetime of my predecessor, to save the State the expense of rent, I applied to the superintendent of the public buildings, and have obtained from him a suitable office for the bank in the west wing of the public buildings, where it is now located.

Included in my receipt, are some articles that are *now* of no manner of use whatever to the bank. I would recommend, that the receiver be required to have them sold at auction, and account for the proceeds as for other moneys.

I have receipted for $1,289 75, which is composed of worthless uncurrent bank bills, of banks long since broken and gone out of existence, and of "*shinplasters*," that are not worth the paper on which they are described. I recommend that the treasurer and receiver be required to register and burn them.

I have the honor to be, very respectfully,
your obedient servant,
P. T. CRUTCHFIELD,
Financial Receiver.

STATEMENT A.

203 Coupons detached from real estate bank bonds and exchanged on the 17th October, 1854, for six per cent. real estate bank bonds, making......................	$ 6090 00	
1458 Coupons detached, in like manner, on the 18th October, 1854, making..	43740 00	$49830 00
To which add this amount in real estate bank paper, given in change,		49 00
		49879 00
49 Real estate bank bonds bearing 6 per cent. interest, so received in exchange, making.........................	$49000 00	
Add interest due on same, when said exchange was made.....	880 98	49880 93
656 Coupons detached in like manner, and exchanged on the 19th October, 1854, for State bank bonds bearing 5 per cent. interest, which have been cancelled and filed with the State treasurer, making..............................	19680 00	
To which add this amount given in change..................	1 00	19681 00
12 State bank bonds now cancelled and filed, so received in exchange, making....................................	12000 00	
Add interest due on same, when said exchange was made...	7681 56	19681 56

P. T. CRUTCHFIELD,
Financial Receiver.

BANK OF THE STATE OF ARKANSAS,
Little Rock, Arks., Oct. 31st, 1854.

STATEMENT B.

313 Real estate bank bonds bearing 6 per cent. interest held by the State bank on the 31st day of October, A. D. 1854, make..		$ 313000 00
Interest due on same, when received by State bank..........	$135540 53	
Interest that has accumulated on said 313 bonds from the time they were received by the State bank, up to the 31st day of October, A. D, 1854..	66904 60	
Total of interest..	$202445 13	
From which deduct this sum, being amount of 2,317 coupons detached from real estate bank bonds, and exchanged for 49 of the above real estate bank bonds, and also for 12 State bank bonds bearing 5 per cent. interest, which said last mentioned bonds have been cancelled and filed..............	69510 00	132935 13
Total amount of bonds and interest thereon due the State bank from the real estate bank on the 31st day of October, 1854..........................		445935 13
To which must be added 73 detached coupons of real estate bank bonds, 61 of which were turned over to me by the representative of my immediate predecessor, and 12 received by me, making..............................		2190 00
Total amount due the State bank from the real estate bank on the 31st day of October, 1854, in bonds, and the interest due thereon, and on detached coupons of real estate bank bonds..		$448125 13

P. T. CRUTCHFIELD,
Financial Receiver,

BANK OF THE STATE OF ARKANSAS,
Little Rock, Oct. 31st, 1854.

CENSUS OF THE STATE OF ARKANSAS FOR 1854.

	COUNTIES.	White Males.						White females.		Free persons of color.		Slaves.			Acres of land in cultivation.			Production.			
		Under 10 years.	Over 10 and under 18.	Over 18 and under 21	Over 21 and under 45.	Over 45.	Total No. of white males.	Under 16 years.	Over 16 years.	Males.	Females.	Under 8 years.	Over 8 and under 60.	Over 60 years.	Cotton.	Grain.	Bales of cotton.	Bushels of corn.	Bushels of wheat.	Bushels of oats.	
1	Arkansas..........	184	125	27	220	51	607	297	261	8	4	379	1033	37	7218	4657	6680	114782	40	1087	1
2	Ashley,..........	363	202	51	336	106	1058	427	381	1	....	324	773	26	[illegible]158	6283	2821	192140	40	3674	2
3	Benton	1025	554	145	726	204	2654	1303	1343	....	....	80	115	....	8597	11457	....	248780	31812	54725	3
4	Bradley	657	322	98	571	152	1800	792	690	....	1	613	1282	13	7619	....	3350	174165	3684	21351	4
5	Crawford	799	434	81	571	207	2092	1070	946	11	9	171	343	16	675½	15806½	329½	360669	20025	69600	5
6	Conway	612	322	82	512	127	1655	834	687	2	1	53	138	10	1491	8867	877	192302	2302	16625	6
7	Crittenden	444	326	102	441	104	1417	520	484	4	2	278	718	36	1465	6580	1275	217500	......	1000	7
8	Chicot..........	189	105	36	361	66	757	241	271	8	9	1310	3140	120	22690	8630	19617	228910	......	4909	8
9	Carroll	1378	726	178	870	292	3444	1754	1376	4	4	65	136	4	....	19591	....	401885	20288	32005	9
10	Clark..........	800	403	92	723	129	2147	968	801	1	....	418	796	14	5252	7297	2371	164562	2957	5863	10
11	Calhoun	354	156	53	289	67	919	462	346	....	....	172	441	11	4716	7875	2126	88135	572	8420	11
12	Columbia	858	376	233	727	194	2388	1015	834	1	....	548	1077	50	10717	11912	3860	88311	1758	2731	12
13	Desha	335	156	60	560	78	1189	434	460	23	25	469	1342	29	7640	4952	6940	130055	6	905	13
14	Dallas..........	629	344	90	589	153	1805	849	710	1	8	744	1718	64	12780	16238	5343	212809	4574	15304	14
15	Drew..........	497	274	107	454	134	1466	756	574	....	....	484	1005	52	6877	7978	3731	137970	715	12470	15
16	Franklin..........	573	318	94	472	111	1568	827	705	2	2	200	364	8	2034	13019	1156	244285	5884	3524	16
17	Fulton..........	436	224	68	315	105	1148	606	450	....	....	27	37	1	110	2288	30	52071	3667	11538	17
18	Green..........	717	358	117	502	184	1878	886	720	....	....	36	50	....	634	17156	218	218827	3768	17715	18
19	Hempstead	879	442	128	655	236	2340	1055	841	13	7	900	1672	64	8535	21058	17424	341230	5277	43245	19
20	Hot Spring	687	291	84	502	150	1714	822	678	7	10	152	263	8	1690	4865	659	178488	6197	16301	20
21	Izard	762	405	99	598	143	2007	1115	823	1	2	83	117	....	641	11725	306	239017	9122	25132	21
22	Independence	1420	800	219	1139	377	3955	1955	1656	6	2	384	638	29	8712	22692	1541	501750	15490	57399	22
23	Jackson..........	556	286	84	768	63	1757	699	634	2	6	304	697	16	5342	7759	2899	172596	75	415	23
24	Jefferson..........	621	404	179	626	170	2000	966	579	....	....	852	2348	134	13003	12046	12130	244263	879	3400	24
25	Johnson	863	415	144	603	199	2224	1039	832	2	4	338	571	11	3055	16115	1362	246505	8484	58876	25
26	Lawrence	1413	931	206	1060	244	3854	1868	1453	5	2	133	299	8	2052	19885	769	408607	15331	54824	26
27	Lafayette	197	93	34	216	52	592	274	252	7	9	658	1586	67	3947	5016	8211	208186	100	4260	27

28	Mississippi........	274	151	81	488	62	1006	362	353	3	1	243	273	25	725	4925	525	192200	......	....	28
29	Monroe...........	290	176	48	299	68	881	391	386	12	....	224	649	26	3179	3520	1520	89650	......	8559	29
30	Marion...........	739	366	175	512	145	1937	895	654	29	45	54	97	8	3	8618	2	205570	8400	17480	30
31	Madison.........	1068	703	138	699	235	2848	1407	1121	....	....	64	140	2	....	20125	....	353418	28574	34803	31
32	Montgomery......	453	192	43	310	96	1094	599	417	....	....	32	29	1	407	5746	186	108903	5528	8867	32
33	Newton	502	201	52	337	106	1198	791	520	2	8	11	19	1	4	6168	1	114489	3965	7510	33
34	Ouachita	970	685	201	983	272	3111	1427	1446	2	6	1035	2006	88	16695	23117	6888	309599	8954	28246	34
35	Perry	232	132	31	177	43	615	298	259	....	....	27	33	1	98	1823	51	38820	256	1765	35
36	Pike	439	206	81	286	104	1116	436	445	....	....	96	91	3	1098	5896	429	98915	3756	5750	36
37	Pope	1032	487	93	632	157	2401	1377	920	....	....	218	384	5	3011	12329	1347	317550	7043	51795	37
38	Poinsett	598	280	188	411	196	1673	868	639	....	3	191	357	12	1825	5807	1017	154093	2715	8800	38
39	Pulaski...........	765	442	117	904	235	2463	1069	1138	41	39	406	993	30	2729	10414	2038	233193	162	20960	39
40	Phillips	645	359	58	898	129	2089	855	908	2	1	1096	2685	56	15826	13126	11300	399010	80	6473	40
41	Polk	......	......	....	......	.....	......	......	......	....	....	......	......	....	....	....	....	....	......	....	41
42	Prairie	563	329	94	499	137	1622	651	667	6	1	316	739	24	2889	6987	1434	184295	310	1455	42
43	Randolph.........	648	390	79	447	166	1730	656	907	....	8	86	203	3	....	11676	275	202013	5723	16342	43
34	Searcy	689	321	82	430	138	1660	892	682	....	....	18	27	....	....	9170	....	158266	7397	16633	44
45	St. Francis........	672	370	319	736	156	2258	869	802	....	....	413	841	8	5781	11482	3753	324871	1500	18435	45
46	Saline	673	382	100	495	177	1827	876	712	3	7	184	335	8	3319	13861	1183	202025	8340	16390	46
47	Sevier	553	274	119	480	115	1541	640	552	10	18	553	1258	35	7055	11895	4994	238929	4394	30030	47
48	Scott	......	......	....	......	.....	......	......	......	....	....	......	......	....	....	....	....	....	......	....	48
49	Sebastian	863	415	129	837	189	2429	1137	1088	34	34	187	345	10	648	10890	307	170673	6339	45567	49
50	Union	1219	726	226	1109	405	3685	1793	1448	3	2	1823	3705	134	36709	41248	14675	475341	5041	79912	50
51	Van Buren	564	375	77	431	103	1550	757	620	....	1	39	57	1	702	8057	276	145920	2836	19635	51
52	Washington	1804	968	306	1288	447	4813	2425	2003	29	38	503	734	7	....	41818	....	628988	52256	153974	52
53	White	689	393	102	646	146	1976	925	829	3	2	295	488	16	3189	9737	1490	160760	1474	16760	53
54	Yell	749	413	87	561	168	1978	1001	819	7	3	80	392	6	3124	10934	1113	171328	4950	26767	54
		35941	19528	5913	30251	8293	99926	47231	40062	295	319	18367	39579	1333	256666½	600513½	160779½	11536969	332535	1040206	

I certify that the above table exhibits a true abstract of the Census of the State of Arkansas, for the year 1854, with the excetion of the counties of Polk and Scott, from which no returns have been made to this office.

OFFICE OF THE SECRETARY OF STATE,
Little Rock, 24th October, 1854.

D. B. GREER,
Secretary of State.

CAIRO AND FULTON RAILROAD.

Office Cairo and Fulton Railroad Co.,
Little Rock, Arkansas,
12th October, 1854.

To His Excellency, E. N. Conway, *Governor of the State of Arkansas:*

Sir—In obedience to a resolution of the board of directors of the Cairo and Fulton railroad company, a copy whereof is herewith transmitted, I have the honor to state that,

By virtue of an act of the General Assembly of the State of Arkansas, entitled "an act to incorporate the Cairo and Fulton railroad company," approved January 12th, 1853, and in pursuance of the provisions of said act, a company was organized on the 13th day of April, 1853; a printed copy of said charter, with the organization and by-laws of the company, to which is appended the names of the directors composing the first board, as well as those of the present directory elected by the stockholders, and the officers of the company, are also herewith transmitted.

The company have caused the route of the road to be carefully surveyed and the line connected with the public surveys, by a competent corps of engineers under the direction of an engineer in chief, of experience and ability, under the special instruction of the company, a copy of which is also transmitted

The chief engineer's report of the survey, maps, profiles, and township plats, exhibiting the intersections of the line of the road with the sectional lines of the public surveys, with a resolution of the board of directors approving the same and designating the route of the road, is herewith submitted.

The surveys having been executed by authority of the General Assembly of the State of Arkansas, these documents are submitted to you for the information of the executive and members of the General Assembly.

The company further state that they earnestly desire the early construction of said road, being fully impressed with its importance to the general interests and prosperity of the State and her citizens, and are prepared, as they ever have been, to co-operate with the executive and legislative departments in any measure deemed best for accomplishing the most speedy construction of said road. They are also prepared and ready, at their own expense, to select the lands granted to the State in aid of the construction of the Cairo and Fulton railroad, as will be perceived by the accompanying resolution of the board of directors.

I have the honor to be, very respectfully,
Your ob't. serv't,
ROSWELL BEEBE, *President.*

PRESIDENT'S COMMUNICATION.

Office Cairo and Fulton Railroad Co.,
Little Rock, Arkansas, 9th Oct., 1854.

To the Directors of the Cairo and Fulton R. R. Co.

Gentlemen: I congratulate you upon the successful termination of the surveys of the route of the Cairo and Fulton railroad, by an enlightened and experienced engineer, with well qualified assistants.

Herewith, I have the honor to submit the very able and explicit report of the company's chief engineer, with maps, profiles, and township plats, upon which are delineated the intersections of the line of the road with the sectional lines of the government surveys.

This report shows the nature and great extent of the work accomplished, and furnishes evidence of the ability of the engineer department, presenting a clear and intelligible view of the character of the route—cost of constructing the road, and demonstrates in an eminent degree the feasibility of the enterprise—a crowning link in a great national highway.

This report cannot fail to be read by the stockholders with the deepest interest and instruction, and can scarcely fail to convince those acquainted with such works, of the great eligibility of the route for railroad construction.

The line selected and reported as the shortest and cheapest, is 301.05 miles long; the grades are very light and the curves remarkably easy, and when we take into view the geography of the country over which this line passes, it is worthy of remark that it exceeds an air line only by 6.35 miles—the northern division from Little Rock to the Missouri boundary, by air line is 160.6 miles, while by the surveyed line the distance is increased only 1.1 mile.

The surveyed line on the second division from the head of Village creek to Beed's bar, is shorter than the line by Jacksonport, and less costly by $17,294. On the 8th and 9th divisions, two lines have been surveyed; one crosses Red river at White Oak shoals, and the other at Fulton, which is shorter, and the cost less by $179,396, than the former. It will be for you to determine which of these lines shall be adopted.

The labor and expenses of the engineer department have been increased by reason of the minute connection of the public surveys with the line of the road. This has been done in conformity with the directions given by the general land office, as a guide to facilitate that office in laying down the route of the road upon the township plats of the government surveys, with the view to the designation and reservation of the alternate sections granted to the State, besides these surveys have been executed with a greater degree of accuracy than usual.

As matter of information, interest and usefulness for reference, it may not be inappropriate on this occasion to trace in a concise manner, the legal origin of the corporation, and its official development.

By the General Assembly of the State of Arkansas, "an act to incorporate the Cairo and Fulton railroad company" was passed and approved on the 12th day of January, 1853.

The corporators therein named having failed to accept the provisions of this act within the time prescribed in section six, or to organize a company and otherwise comply with the provisions of the charter—a company was subsequently formed and regularly organized on the 13th day of April, 1853, and accepted the provisions of said act, and in conformity with the provisions of the twelfth section thereof, it was approved by the Governor of this State.

In the formation of the company the names of the original corporators were retained in every instance of all such as would consent to accept and serve as directors in the company so formed. Of that number, six were included, to wit: Messrs. Cross, Poindexter, Bevens, Mitchell, Curran and Blackmore. By the terms of the charter, each member of the company was ex-officio a director until an election of directors could be held by the stockholders. At the first meeting of the board it established their office at Little Rock. The board also appointed an executive committee composed of five of their number. The president is ex-officio a member of all committees, by order of the board. Upon this committee devolved the "power to contract in incidental matters and act in cases of emergency when the board could not be conveniently convened, and aid the president in a general supervision of the affairs of the company." It will be remembered that at your last meeting the action of this committee was reported and approved by you.

On the 15th of May last, a board of directors was elected by the stockholders, which resulted in the choice of one director in each county through which the road would pass, or contiguous thereto, in which resided a stockholder that was eligible.

The first object of solicitude after the organization of the company, was to arrange a system of operations; and as a first step the securing of the means to warrant a commencement of a survey of the route of the road was a leading and favorite measure. In order to effect this object as speedily as possible, suitable agents were immediately appointed by the company along the line of the proposed road. Books of subscription to the capital stock were at once opened, and every one invited to take stock in the company; meanwhile a correspondence was opened with various engineers of character and prominence in the profession, as a preparatory step to the employment of an engineer to make the surveys. Happily the enterprise met with much favor from the people, and was greatly promoted by many highly intelligent and influential citizens, who voluntarily took an active part in placing the character of the project before the country in its true light. During the last spring and summer, the counties on and adjacent to the line of road, were visited and thoroughly canvassed by those gentlemen, and subscriptions taken up—valuable services were also rendered in several counties by public spirited citizens who devoted much time and personal exertion to obtaining stock.

Early in August, 1853, the company had progressed sufficiently to justify the employment of an engineer in chief to whom the survey of the route of the road could be safely confided. On the 13th day of that month Thomas S. O'Sullivan, esq., was appointed consulting engineer of the road. Instructions were accordingly transmitted to him at the city of New York, to select a suitable person to act as chief engineer, which resulted in the recommendation of Capt. James S. Williams, who was appointed on the 7th of October following, and telegraphed from Memphis of his appointment. On the 10th of that month funds were transmitted to him, then at Washington city, to purchase instruments and other articles of outfit, procure assistants to organize two field parties, and proceed with all possible dispatch to this place. Considerable difficulty was experienced at the time in obtaining instruments, and procuring competent assistants, and caused much delay.

Early in January last, both field parties were fully organized and the work commenced under the company's instructions to their chief engineer, "to survey, select and report the most direct, eligible and practicable route for a railroad, all things considered," between the points of termini in this State.

The aggregate cost of these surveys has been greatly increased beyond the first estimates, owing, mainly, to the advanced price of outfit, of labor and subsistence of every kind, as well as the inclement season of the year when the work was commenced, the excessive spring rains retarding efficient operations in the field for near two months.

The chief engineer's report of the survey will prove the entire practicability of the project. When laid before the country and correctly understood, it will inspire a degree of confidence that will arouse the popular feeling in favor of the enterprise. The origination and development of the scheme will demonstrate the plan of a great north and south trunk line of road, traversing the heart of the State immensely rich in agricultural and mineral capabilities, with valuable auxiliary and tributary connections at both ends as well as intermediate, destined to become the main trunk of other lines of railroad—natural avenues of traffic and commerce.

Thus far nothing has occurred to retard or weaken the successful prosecution of the company's plans. They now have the confidence and favor of the people of the country through which the road passes, while it is rapidly gaining popularity and respectability abroad.

The company have obtained the right of way (with but few exceptions) the entire distance from the Texas line to the Missouri State line, over lands owned by individuals, with the right to establish depots, turn-outs, water stations, etc., on the same. This has been cheerfully and gratuitously conceded, evidenced by appropriate instruments in writing, on file in the company's office. In addition to this, they have, under the provisions of their charter, the right of way over the State lands through which the road may be extended, which will vest in the company, whenever the line of road is determined, and the proper evidence thereof recorded.

The charter, as you will observe, requires, that at the regular annual meetings of the stockholders, the president and directors in office the preceding year shall exhibit to them a concise statement of the business of the corporation, together with all the books and accounts of the company. These meetings were fixed by you, at your last meeting, to be held on the first Monday of May in each year. The next annual meeting of the stockholders will afford a fit occasion for the board to lay before them, in addition, such statistical information, embracing also an expose of the general characteristics of the road, and topography of the country through which it passes, as will demonstrate not only its expediency and advantages; but the mode by which the means can be provided to build it. Meantime under judicious management, strengthened by anticipated aid, we may confidently look upon large accessions to our stock subscriptions, as a renewed zeal and determination of our citizens to facilitate the work as a common object of interest to all.

To provide for the extension of this road through south-eastern Missouri, a substantial company has been legally organized in that State under the provisions of their general railroad law, known as the "Cairo and Fulton railroad company in Missouri," and are acting in harmony with this company. The chief engineer of our company has been charged by that company with the survey of that division of this road, and by them instructed to commence the work.

At the last meeting of our board, the directors fixed the guage of the road at 5 feet 6 inches, which corresponds with the width of the guage of the roads in Missouri, Texas, and in Louisiana, west of the Mississippi river.

The board also appointed an executive committee, composed of three directors, residing at Little Rock, of whom the president was a member; and this committee was empowered and required to "do all things required for the interest of the company in the interim, between the meetings of the board, subject to the approval of the board at its first meeting, to which the committee shall report in writing."

It is gratifying to state that the utmost harmony has prevailed in the discharge of the duties which devolved upon the executive committee.

The surveys which were then being made, have been completed, and one great and important object of the company thus accomplished. The report of the chief engineer is submitted with the fullest confidence that it will not only meet the cordial approbation of the board of directors, but prove a source of gratification to them, the stockholders and the public.

ROSWELL BEEBE,
President.

CHIEF ENGINEER'S REPORT.

Engineer's Office, C. and F. R. R.,
Little Rock, September 25th, 1854.

To the President and Directors of the C. and F. R. R. Co.

Gentlemen: I have the honor to submit the following report of the survey of the Cairo and Fulton railroad.

On the 28th November last, I received your letter of instructions, "to select and report upon the most direct, eligible, and practicable route for a railroad, all things considered." Little Rock being fixed by the charter, a point in the route, minute surveys with accurate soundings and careful examinations of the bed of the Arkansas river were made, including 2¾ miles of its course, to determine the proper point for crossing.

Two parties were organized for the survey of the line—one for the portion between Little Rock and the Missouri boundary, the other for the southern part, to the Texas border.

I will describe the surveys by each of the parties in the order in which they were made. The reasons for the selection of routes surveyed will thus more clearly appear.

Of the Survey of the Northern Division.

My object being to secure as direct a route as the physical character of the country would admit, three points for crossing White river presented themselves, each having peculiar claims to attention. Janksonport, Reid's bar, and Grand Glaze, all included within the scope of very moderate deflections from a straight line joining Little Rock and Cairo.

Jacksonport is for several months of each year the head of navigation. On this account it required attention.

The policy of crossing navigable streams at the head of permanent navigation, is too obvious to need illustration, and should these points be not so far removed from direct routes as to vitiate the character of a line, their demands are almost peremptory. By parity of reasoning any point within the limits will be worthy of consideration, exactly in proportion to the fraction of a year, during which it is accessible. Otherwise than in this view Jacksonport has no special claim.

Reid's bar of White river, at the middle of township 11 north, in range 3 west, about 15 miles by the river below Jacksonport, offers an excellent point for crossing. The direction of the stream is perpendicular to the course of the line. The right bank of the river is not subject to overflow except in extreme freshets—the water is so shallow as to make a serious impediment to reaching Jacksonport, and the character of the river bed, a cement of marl and gravel, is very favorable for foundations.

At Grand Glaize, in section 18, of township 10 north, range 4 west, there is a shoal with heavy gravel bottom; a large gravel bar bare at low water, gives facilities for bridge building. This point is very nearly, indeed, almost exactly, on the straight line to Cairo. The right bank of the river is above extreme high water, and there is ample space of high land well suited for buildings. The course of the river is from north to south, making an angle of about 40 deg. with the course of the line. Two great deflections would be necessary at this crossing. One from the course of the line, to cross the river at right angles to the stream —the other, after crossing, to resume the original direction.

With these facts in view, the survey was commenced on the left bank of the Arkansas river, opposite Little Rock, to run a line to Jacksonport. The first obstacle to a direct line, is the high rocky spur dividing the waters of Bayou Metaux from the Arkansas. This forced the line to the eastward until a favorable gap was found on the farm of Mr. Galloway, about five miles N.E. of the town from this gap the line was carried straight, 44.5 miles, passing near the village of Searcy to Little Red river, crossing this stream about ½ mile above the Searcy steamboat landing.

From Galloway's gap (referred to above), to the crossing of the Bayou Des Arcs, this line passes over a greatly undulating country, giving a very favorable profile—it skirts the base of the sand stone hills, between Cypress Bayou and the Bayou Des Arcs. But after crossing the latter stream it encounters a heavy spur of sand stone ridge, an obstacle so serious as to induce a revision of this part of the line. Four thousand feet further east a better line was obtained, crossing Red river at Mr. Rogers', on what is known as the Spanish grant.

This line after crossing the river runs over an elevated table land, without difficulties, but the descent from it being too abrupt it was abandoned, and a deflection made from the river crossing to the eastward of the high land, through section 34, township 9 north, range 4 west, thence running in a very direct course towards Grand Glaize.

The result of these examinations proves that no practicable line can be obtained west of Mrs. Parsons', in township 9 north, range 5 west, and it proves moreover, that all lines from Little Rock to Jacksonport, Reid's bar, or Grand Glaize, must be coincident, at least as far as the valley of the Bayou Des Parties. After crossing the Bayou Des Parties, opposite Grand Glaize, a slight deflection to the left gives the direct course to Jacksonport. After passing White river and Beaver Dam lake, about 1 mile north, the line passes over a very level district, by a straight line, to the head of Village creek, (sec. 23, of township 15 north, range 1 west); at this point it curves a little to the eastward, and reaches the Missouri boundary by another long straight line, in section 5, of township 21 north, range 7 east, about 2½ miles southeast of Gillis' bluff, on Black river.

The Reid's bar line diverges from the Jacksonport line at a point 2000 feet west of the river bank, at Grand Glaize. Crossing White river near the corner of sections 15, 16, 21, 22, of township 11 north, range 3 west, passing one mile east of Elizabeth, and 2½ miles east of Jacksonport, it connects with the Jacksonport line at the head of Village creek. From this point to the Missouri boundary the lines are the same.

The Grand Glaize line departs from the Jacksonport line at the same point as the Reid's bar line, curving to the eastward to cross the river at right angles. The bend of White river, above Grand Glaize, (very inaccurately represented on the State maps,) forces this line to a south-east course. This great deviation from the true direction, involving so much of curvature and increase of distance, was sufficient to condemn the route. Moreover one of the arguments in favor of this line was, its better direction towards the terminus, by crossing Cache river and passing Crowley's ridge, in Green county.

Cache river is a great obstacle. Though insignificant during the dry season, it is for many months a great stream, requiring expensive structures.

A very careful reconnoissance of Crowley's ridge, from Chalk bluff to the southern boundary of Green county, satisfied me that it was impracticable to cross it without exceeding our characteristic grade, or making the line very tortuous, or incurring unreasonable expense. The Grand Glaize line was, therefore, condemned, and in my comparison of routes, I shall confine myself to the discussion of the Jacksonport line and the Reid's bar line.

A reconnoissance was also made for a line crossing White river at Augusta.

The claim of this route rests solely upon the supposed better country for a line, between Village creek and Cache river. This claim is unfounded; there is nothing to give it a preference. The ground on the east side of Village creek is no better than on the west side. This line cannot come into competition with the others. The increased distance is against it, and is sufficient to condemn it, without considering that the crossing of the river is not favorable—the depth at low water being about 15 feet—that the line must pass over a very narrow neck of land between bends of the river, where there is a constant change of channel going on—that it must cross the Bayou Des Parties and Glaize creek—that it must pass over the country between White and Little Red rivers, which is notoriously subject to heavy overflow, and for months in the year only to be traversed in boats—that the line must be broken up by many curves to avoid the bends of the rivers—and that the crossing of the Des Parties alone is a work more expensive than the bridging of White river.

Of the Surveys of the Southern Division.

The Arkansas river divides the route of the road into two districts of very different character. Northward the difficulty is in the selection between several available points. Southward the difficulty is to ascertain the best route for reaching certain points. This part of the country is compulsory. We run across the dividing ridges; the depressions in these are the points that must be reached, or the ridges must be avoided by deflections. The ascent from the Arkansas river is abrupt: heavy cutting must be made to keep within good grades and cross the spur dividing Fourche bayou from the river. After crossing this spur the line descends abruptly into the valley of Fourche, crossing it at the foot of "The Island," thence ascending the slopes of hills bordering it on the south, it passes a spur dividing two main branches, thence with gentle gradients to the ridge between Martin's and Otter creeks, branches of Fourche—thence up the valley of Crooked creek near the base of Iron Mountain; then crossing Crooked creek and its west fork, and passing into the valley of the east fork, it reaches the summit on the farm of Mr. Crease. It is worthy of note, that here, at a distance of only 17½ miles from the Arkansas river, we pass from its water-shed into the valley of Red river. The crossing of this ridge is easy, the ascent to it being less than 40 feet per mile, and the depth of cutting at the summit only 7 feet. The route now runs down the valley of Hurricane creek. Here two lines were surveyed. One descending by Crease's branch to the valley of Hurricane, crossing it, and ascending by the valley of Carter's branch, to the ridge between it and Hughes' creek, thence down the east fork to its junction with the west fork. The other line runs directly across Hurricane creek, and reaches very directly the head of the west fork of Hughes' creek, thence down this valley and the main fork to its junction with the first line at the mouth of the east fork. From this point there is but one line to the crossing of the Saline river. The first of these lines is better in point of grades and expense, though inferior in point of alignment and length. The located line is a mean between the two.

After crossing the Saline a few hundred feet below the military road, we ascend to the ridge dividing the Ouachita and Saline, by crossing the valley of Francois creek and ascending by one of its head branches near Mr. Clardy's. We descend from this point to the Ouachita, crossing a branch of Mill creek near its source, then skirting the western base of the high lands separating Saline bayou and L'eau Fraiche creek, we reach the Ouachita river at the "Pearl river shoals," near the mouth of L'eau Fraiche.

Very extensive and careful reconnoissances of the valley of the Ouacita were made to decide upon the best point for crossing it. From the summit near Clardy's, the line could have descended easily by the valley of Mill creek, and have crossed the river very favorably at or near Rockport, where the bed is of rock and the stream shoal and narrow; but after crossing we should have encountered great difficulties. The highlands abut upon the right bank of the river between Rockport and the mouth of the Caddo. It would have been necessary either to cross abrupt hills which are rocky and broken up by mountain torrents, or to follow closely the meanderings of the Ouachita, occasionally crossing portions of bottom subject to deep overflow, and exposing the road to great danger from freshets. We should also cross the De L'ile—the Des Roches, and the Caddo, and incur for these streams heavy expense in bridges and trestle work.

Any line diverging westward from the one surveyed, to cross the Ouachita at any point above "Pearl river shoals," must pass over extensive bottoms subject to overflow on the east side of the river, and encounter impracticable high lands on the west side. One line was run crossing just below the "Willow shoals." It did not give as good results as the first line.

At the crossing of the Ouachita the line reaches its greatest departure from the straight line between Little Rock and the Texas boundary. The country has been diligently examined that this deviation might be lessened. I am satisfied that this is not practicable within reasonable expense or without exceeding moderate grades.

After crossing the Ouachita the course of the line is very direct towards Fulton and the S. W. terminus, running directly across the valleys of Bayou de Cypress—Terre Noire Creek, Little Missouri river, (at Nachitoches bluff,) Terre Rouge and Bois d' Arc creeks.

In section 19 of township 11 south, range 23 west, a line diverges from the Fulton line, and descending by the valley of Yellow creek, crosses Little river and Red river at the "White Oak shoal." The two lines will be fully described below.

These surveys have been made with more care than is usual in experimental surveys.

Capt. Joshua Barney's excellent survey made in 1850–51, under order of the general government, has served to give such knowledge of the country, that the line now presented to you approximates very closely to a location. To avoid the errors caused by local attraction in the use of the compass, the line has been run entirely by the transit instrument, the needle being used only as a check. The magnetic variation was carefully determined at several po[illegible]ts.

Of the Character of the Line.

For convenience in describing the route and arranging the estimates, I have divided the whole road into 9 sub-divisions, defined by natural boundaries and varying in their character.

1st Division.—From the Missouri boundary to the head of Village creek.

2d. From the head of Village creek to Grand Glaize. In this division there are two lines across White river. One via Jacksonport; the other via Reid's bar.

3d. From Grand Glaize to Prospect bluff on Little Red river.

4th. From Prospect bluff to the north bank of the Arkansas.

5th. From the north bank of the Arkansas to the north bank of the Saline.

6th. From the north bank of the Saline to the north bank of the Ouachita.

7th. From the north bank of the Ouachita to the north bank of the Little Missouri.

8th. From the north bank of the Little Missouri to the northern border of Red river bottoms, on the Fulton route, or to the north border of Little River bottom on the White Oak shoals route.

9th division embraces the crossing of Red and Little rivers, and the country thence to the Texas boundary.

The 1st division is one straight line, 55½ miles long, occupying middle ground between Black and Cache rivers, which is generally so level that water lies upon its clayey soil for months during the rainy season. The ditches and drains of the road will serve to draw off this water and reclaim many square miles of valuable lands. Very little masonry is required on this division. The whole district, except for a few miles south of the Missouri line, is covered with timber suitable for our purposes—post oak, burr oak, white oak, mulberry and black walnut in great quantity. There are no quarries of stone fit for building near the line. The masonry structures will be of brick. There is no bridge on this division; the only water courses are wet weather drains; these are crossed on open drains of brick work. Of these there are 21, of openings from 12 to 20 feet, and one small culvert.

In the 2d division—of the two lines surveyed, that via Reid's bar is shorter by 3,590 feet, and less costly in construction by $17,294. The crossing at Jacksonport is objectionable. A great curve must be made on each side of the river to cross it on the prolongation of a street—the water is 28 feet deep at low water; the bed of the river, especially near the southern bank, is a shifting sand. At Reid's bar we cross the river at right angles on a long straight line—the depth at low water is 5 feet, the bed of the river a cement of marl and gravel. The greater length of the Jacksonport line is equivalent to a difference of $42,100 in perpetual cost of transportation. The total difference between the two lines is thus, $59,394 in favor of the Reid's bar crossing. The map and profile of this division show [illegible]ery favorably. In its whole course, 34.7 miles, there are two curves of 11,460 feet radius—the steepest grade is less than 35 feet per mile. Besides White river bridge there is but one; a king-post bridge of 30 feet span over a head branch of Village creek. There are 9 open drains of from 10 to 20 feet. The timber is excellent and abundant; all that will be required for the track and trestle work will be obtained close upon the line. Stone for the abutments and piers of White river bridge, is to be obtained from quarries near the river, and can be transported to the bridge site at little cost.

Of the 3d division, from Grand Glaize to Prospect Bluff. The passage of the Bayou des Parties is expensive from the obliquity of the course of the line, and the necessity of raising the grade of the road for 3½ miles to 3 feet above the highest known freshets. Ample water way is provided in trestle bridges for its discharge.

After crossing the Des Parties we come into a district different from all hitherto passed. We approach the bases of the rocky hills west of the line; the surface becomes more irregular, the soil more gravelly, furnishing better material for the embankments. We cross Glaize and Overflow creeks, each requiring a water way in king post and trestle work of 200 feet. The passage of Little Red river is made at a favorable point, where the banks are high above overflow on each side, the foundations for abutments and piers good, and near to quarries of good stone, which indeed, is abundant and of good quality throughout the division. Little Red river bridge will be 450 feet long and 45 feet above the bed of the river. Five king post bridges of 30 feet span, 4 open drains of 10 feet, and 11 culverts from 3 to 10 feet are also required. There are two half degree (11,460 feet radius) curves on this division, one at Grand Glaize, the other near Mrs. Pearson's, 8½ miles northeast of Prospect bluff.

Of the 4th division, from Prospect bluff to the Arkansas river, the course is an unbroken straight line 54.5 miles long, from Mrs. Pearson's to Galloway's, 5 miles north-east of Little Rock. It passes over a very favorable country, encountering but one notable obstacle, viz: a spur of the ridge dividing Watensaw from Bayou Metax, really dividing White river from Arkansas river. The depth of cutting is about 43 feet, which, on a close location can be materially reduced, as the ground falls off abruptly on the west of the line, at Galloway's, curving gently to the westward, passing through a large cypress brake at the head of Ink bayou, the line runs straight until opposite Little Rock, then again curving gently to the southward, it reaches the bank of the river.

In this division, we cross Bayou des Arcs, Cypress bayou, Bayou Metaux and several of their small tributaries—the larger of these require king-post and trestle work bridges—33 open drains, and 16 culverts of small size are also needed. Timber and stone are good and abundant.

The 5th division extends from the north bank of the Arkansas to the north bank of the Saline. The results of the survey of the Arkansas river, mentioned in the first part of this report, are entirely satisfactory. The rocky foundation, slate and quartzose sandstone of the banks, extends beneath the bed, giving good foundations, the water is shallow for several months of the summer. Three available lines have been run across the river—they diverge at Galloway's, (mentioned above) after passing the river and through the town, they unite in the valley of Fourche. There is so little difference between these lines that an estimate for one will answer for either of the others. The ridge between the Arkansas and Fourche requires heavy cutting, and the application of our maximum grade. The crossing of Bayou Fourche calls for heavy embankment, on account of the back water of Arkansas river. This is, at present, shut out by the swamp land dam near the upper mouth of the bayou. It was not deemed prudent to depend upon the permanence of this dam—the grades have been accordingly established without reference to it.

The crossing of Hurricane creek will also be expensive; through the rest of this divisions the grading will be of an average charecter.

The bridge over the Arkansas will be 1,120 feet long, the piers 57 feet high. There will be 7 other bridges of from 30 to 200 feet span, and 30 culverts and drains, from 3 to 10 feet span. Good timber is abundant. Excellent material for masonry is found at "Big rock," on the Arkansas, and at the "Granite mountain," on Fourche.

Of the whole length of this division, 25.3 miles, 18.9 miles is straight line, 2.6 miles of ½ degree curve, 3.8 miles of 1 degree curve.

The 6th division (between the Saline and the Ouachita) differs much from the preceding: there is no difficult nor expensive work upon it, and excepting in crossing the branches of Francois creek, and in passing the main dividing ridge, the maximum grade is not needed. The material of these excavations is gravelly, forming good embankments. After passing the ridge and coming upon the low lands at the foot of the ridge dividing L'eau Fraiche from Saline bayou, for a distance of about 20 miles, the road bed is elevated above the ground, which is above the overflow of the Ouachita, about 2 or 3 feet, sufficient to drain the "Pine flats" by the ditches from which the embankment is made.

In approaching the Ouachita we pass over about ¼ mile of land subject to overflow, the greatest depth being five feet. Little expense will be necessary to secure, by a levee, good depot accommodations for the trade at this place.

Building material is abundant—stone for the Saline bridge can be procured near it. The other culverts and drains will be of brick, for which excellent clay can be found throughout this line.

Besides the Saline bridge, 240 feet long and 35 feet high, there will be required one for Fourche creek 150 feet long, and ten others with spans from 50 to 20 feet, besides 44 culverts and drains, from 3 to 15 feet span.

This division is 40.65 miles long, of which, 38 miles are straight, 2.35 miles of ½ degree curve and 0.3 mile 1 degree curve.

7th division—from the Ouachita to the Little Missouri—after crossing the Ouachita by a bridge of 300 feet length and 52 feet height, passes over the Ouachita bottom, which is overflowed by extreme freshets as far as the base of the De Cypres hills, a distance of 4 miles 880 feet, to an average depth of 4½ feet—4,500 feet of trestle work are used to ensure free vent to the overflow of the Ouachita and De Cypres. The direction of the line is very good—in its length of 21.3 miles there are 19.92 miles of straight line, and 1.38 miles of ½ degree curve. The profile is rough—the maximum grade is much used—the excavation and embankment heavy—consisting of black marly soil and gravel; probably some rock will be found in the deep cut near the Missouri, for which ample estimate is made. The profile may be much improved by a slight deflection to the south-west in ascending from the valley of McNeely's branch.

The foundations of the Ouachita bridge will be in shoal water (5 feet deep) upon a firmly cemented bed of gravel. The material for this masonry (excellent sandstone) must be brought from the bank of the river 15 miles above. Brick will be used in the masonry of Terre Noire bridge, and of the other bridges and culverts.

The 8th division—from the Little Missouri to the northern boundary of Red river bottom, near Fulton, or to the edge of Little river bottom.

The length of this division to the edge of Little River bottom is 35.04 miles, its alignment very good, there being but one curve only a few hundred feet long, with a radius of 11,460 feet. The profile is, however, quite rough, as the line runs directly across the heads of Terre Rouge and Bois d'Arc creeks. The maximum grade is frequently used.

Besides the bridge across the Little Missouri, there will be required 12 smaller bridges of from 30 to 150 feet span for the smaller streams. Sandstone can be obtained for the Little Missouri bridge from the bluff of the river just above the bridge site. For the Terre Rouge and Bois d'Arc bridges, brick will be used—for this good clay is easily obtained.

The material of the excavation will be gravel, clay, and the dark soil of the marl formation.

From a point in section 19, of township 11 south, range 23 west, the line to Fulton diverges, crossing the streams lower down, where the ridges dividing them are not so high. The grade will be lower and the grading cheaper.

The difference between these two lines is entered in the estimate at $30,000.

The 9th division extends to the Texas boundary.

The important question of selecting a point for crossing Red river has received full attention. The charter describes the southern terminus of the road "a point on the Texas boundary line, near Fulton, in Arkansas." This phraseology does not prescribe Fulton as a point on the line, and latitude is therefore given in the selection of a point for crossing the river.

Fulton is objectionable as a crossing place. The bed of the river is sandy. There is a great extent of overflowed land on the south side; (11 or 12 miles wide) the depth of overflow from 3 to 20 feet, and the peculiar bend of the river seems to threaten a change of channel.

To avoid these difficulties, the river was carefully examined between the mouth of Bois d'Arc creek and the Texas boundary; and but two points found offering greater facilities—Buzzard's Bluff, in section 17, of township 14 south, range 26 west, and the

White Oak shoal, in sec. 4, township 14 south, range 28 west. At Buzzard's Bluff the bed of the river is good, but the depth of water is about 20 feet. There is a bottom, 12 miles in width, overflowed to a depth of 7 or 8 feet. In using this point, the line must be carried far from its direct course from Little Rock to the Texas boundary. At the White Oak shoals, the bed of the river is hard blue marl—the depth at low water about 3 feet. Recent changes of channel have occurred here which seem to be still in progress, to guard against which, additional length of bridge is provided for in the estimate. The adoption of the "White Oak" line involves the necessity of crossing Little river; an obstacle demanding serious expense. The rock upon which the bridge piers must be founded is 25 feet below the level of low water, covered 10 or 12 feet deep with soft alluvial mud, giving to the masonry a height of 70 feet. The bridge would necessarily be 450 feet long, and furnished with a draw, the river being navigable by large boats. The extent of overflow passed in the bottoms of Yellow creek, Little river and Red river, is 56,000 feet, averaging in depth about 7 feet. Big Bayou needs a trestle bridge 400 feet long, and Yellow creek one of 800, the foundations of which must be on piling. By boring the bottom of Red river at Fulton, a stratum of hard clay or marl was found 4 feet below the bed—this formation will give a height to the masonry of about 46 feet. The channel of the river is 600 feet wide between the tops of the banks. It has been deemed prudent to give a length of 750 feet to the bridge; besides this, ample provision of water way is made by trestle work on this, as well as on the White Oak line. The danger of the change of channel near Fulton may be avoided by a revetment of protection wall, or by rip-rap work. Notwithstanding the difficulty of the crossing at Fulton, and the ample estimate made to guard against casualties, the Fulton line, as will appear from the estimates, will cost $179,396 less than the White Oak line; it is also much superior in point of alignment; there will be but two short half-degree curves between the point where the routes diverge and the Texas boundary; a distance of 38 miles. The White Oak line is necessarily sinuous, though its curves being of 1 degree are not abrupt. The equation of distance in the comparison of the routes can not fairly be used, as they do not converge; the difference in this is, however, only 4,000 feet. The equation of the grades of the two lines is slightly in favor of the White Oak line. The Fulton line, its terminus being further south, gives a shorter connection for roads from the south-west, through Texas.

It is but little to say of the general character of the whole line, that it is favorable. Intelligent engineers and practical men will see in it something more than this, when they observe that there is no grade exceeding 1 in 100, (52.8 feet per mile,) no curve of less radius than 5,730 feet—that its excess of length over absolute straight lines, joining Little Rock with its extreme points is so small, from Missouri to Little Rock being 160.6 miles by the straight line, and 161.7 miles by the survey, from Little Rock to Texas, 134.1 miles by the straight line, and 139.35 miles by the survey—that with the clear opening through timber 150 feet wide, with the plan of construction I propose—with the long straight lines, and the flat curves almost as good in practice, with light grades, transportation will be cheap, and risk of accidents to passengers reduced to a minimum, even with the very highest rates of speed.

The Plan of Construction.

This is for a first class single track road with turn-outs 1,000 feet long, 10 miles apart. The clearing provided for in the estimates, consists of cutting down all trees, on either side of the road, whose height is not less than their distance from the track, and of removing from the ground to be covered by embankments, all logs, brushwood and leaves; the grubbing is the removal of stumps under all embankments less than 3 feet high. The cuttings will be 20 feet wide at bottom with slopes of 1 to 1 in common earth, and 1 to 4 in rock—the embankments 14 feet wide on top with slopes of 3 to 2. In practice it is found that the cost of repairs of road bed in cuts, always greatly exceeds that of the embankments, generally from imperfect drainage. The more nearly the road bed in a cut, approaches the character of an embankment, the less this excess will be. In a width of 20 feet there is room for a good bed of ballasting under the track, and for sufficient ditches, thus virtually making an embankment of nearly 3 feet in the cuts.

The masonry of bridges will be of heavy "rock work," the beds and joints dressed, the faces left rough, and laid in hydraulic cement as high as ordinary high water; above that level, in lime mortar, and pointed with cement; the same use of cement will be made in the stone arch culverts and in all the brick work culverts and drains; the small stone drains and culverts will be laid dry. The larger bridges will be truss-framed, weatherboarded, covered and painted. Small spans, as of 30 feet, will be "king-post." Generally, the smaller streams are crossed upon trestle work of the M form, with abutments of brick work. The same form of trestle work is used in the increased opening allowed for the water way of the larger rivers during freshets. The grade line on bridges crossing the large rivers, is established at 10 feet above the highest known freshets, to allow the free passage of driftwood. The grade line of embankments on lands subject to overflow, is put 3 feet above extreme high water. Each bridge over a stream navigable above the crossing, is provided with a double draw, resting upon a circular pier and revolving around a vertical axis, giving two openings of 65 feet each.

Of the Plan of Track.

A ballasting of coarse gravel is first laid upon the road bed 18 inches thick, 9 feet wide at the top; upon this, cross-ties 8½ feet long are laid, 2 feet apart from center to center; these are hewn to faces of 8 inches wide, and a thickness of 6 inches; the ballasting, by its porus nature, allows water to percolate freely, thus keeping the bed of the cross-tie dry; consequently increasing its firmness and diminishing cost of repairs. At the joints of the rails, the weak points in the track, ties of extra width, at least 10 inches face are used. The T rail weighs 63.37 lbs. per yard, equal to 100 tons per mile. The chair is of wrought iron; a simple plate ⅝ inch thick, turning over the edges of the base of the rail, and fitting close to the shank; the rail is fastened to this and to each tie by ½ inch square *through* spikes 6 inches long; the additional cost of punching these spike holes in the base of the rail, about $2 50 per ton, is included in the estimate.

Of the Depots, other buildings and Stationary Machinery.

Provision is made for one principal central depot, with its full equipment of shops and machinery, extra tracks, turn tables, for the repairs of engines and the *construction* of cars—two terminal depots, with machinery for ordinary repairs—two relay stations, with machinery for slight repairs of engines working on the road—for three principal passenger stations and freight houses—for nineteen way stations for passengers and freight—for twenty-eight water stations and turn-outs 10 miles apart, and for twenty-eight sets of houses, for the hands constantly employed in the repairs of the road.

Of Locomotives and Cars.

A locomotive engine should not run more than 100 miles before it is allowed to cool, and is carefully examined and thoroughly cleaned. A passenger car should not be run continuously more than 200 miles—supposing two passenger trains and one freight train to run from each end of the road each day, and providing spare engines and cars for accidents, the number needed will be as stated in the estimate. The allowance for number of freight cars supposes each train to be composed of ten cars. The gravel cars and crank cars are for transporting materal and workmen for the repairs of the road.

Of the Estimate.

I have made this so much in detail, that but little explanation is needed for a full understanding of it. I have full authority in fixing the prices from the current rates of labor and cost of materials. I have shown, as I believe, not what would be the cost of doing the work—but the amount the company must pay for having the work done—a difference which includes the profits of the contractors.

The estimate for the equipment of the road may be larger than the business of the first few years will demand, after which it may be necessary to increase it.

In the estimate of the cost of the track, I make a difference of $1,155 per mile, north of White river; this is because there is no material for ballasting to be had on that part of the line, without an expense that the slight increase of repair of a track laid on clay would not authorize. I deduct, therefore, for all the line north of Grand Glaize, the cost of ballasting.

I have omitted, purposely, any item for right of way. From the information I have casually obtained of grants already made, and with my reliance upon the public spirit of the people of Arkansas, I judge this item will be so insignificant that it may be included among small contingencies.

I present with this report two maps; one of the State of Arkansas, on a scale of 12 miles to 1 inch, showing the route of the road—the other of the different routes surveyed; with minute details of topography, on a scale of 2,000 feet to 1 inch; a profile of the line on a scale 800 feet to 1 inch horizontal and 25 feet to 1 inch vertical; also plats of all the townships through which the line passes, showing its intersection with the boundaries of the sections.

The parties of engineers for the surveys were arranged as follows:

FOR THE NORTHERN DISTRICT.

Mr. Charles O. Davis, chief of party.
Mr. Spencer C. McCorkle, assistant.
Mr. William P. Bowen, jr., assistant.
Mr. Samuel H. Niman, rodman.
Mr. John T. Adams, "

FOR THE SOUTHERN DISTRICT.

Mr. William D. Pickett, chief of party.
Mr. J. Morris Wampler, assistant.
Mr. John J. Halsey, assistant.
Mr. Edward F. Campbell, jr., assistant.
Mr. Geo. W. Hughes, rodman, promoted to be assistant.

I am happy of this occasion to acknowledge, publicly, my obligations to these gentlemen. From the great length of the line, Mr. Davis and Mr. Pickett have often, of necessity, acted under only general instructions. They have exercised their discretion and judgment wisely and well. They have all discharged their duties with zeal and intelligence. In sickness against obstacles, and under difficulties of no ordinary kind, they have been faithful and gallant.

I take occasion, also, to testify to the president and directors of the company, my appreciation of the uniform courtesy and kindness, on your part, which have marked our intercourse.

Your obedient serv't,
JAS. S. WILLIAMS,
Chief Engineer.

ESTIMATES.

DIVISION No. 1.

From Missouri Boundary to head of Village Creek.

Length, 55.5 miles.

401712 cubic yards excavation, (haul 115 feet), a 16 cts	$64273 92
1269 " " brick masonry, (culverts and drains), a $9	11421 00
4200 L. feet trestle work, a $2 50	10500 00
1760 C. feet timber, (open drains) a 10 cts	176 00
Grubbing and clearing, aveage per mile $188	10434 00
Total cost	$96804 92
Average cost per mile	$1744 23

DIVISION No. 2.

From head of Village Creek to Grand Glaize.

Jacksodport Line—Length, 35.38 miles.

405652 cubic yards excavation, (haul 642 feet), a 20 cts	$81130 40
5110 " " " (pier foundations), a 40	2044 00
4632 " " bridge masonry, a $10	46320 00
837 " " brick masonry, (culverts and drains), a $9	7533 00
150 " " masonry, a $3	450 00
600 L. feet truss bridge, a $22 50	13500 00
1 draw, (extra)	2200 00
5 pier foundations, a $2,500	12500 00
4080 L, feet trestle work, a $2 50	10200 00
3400 " " " " a $3	10200 00
60 " " small bridges, a $10	600 00
200 cubic feet timber, (open drains), a 10 cts	20 00
Grubbing and clearing, average per mile, $173	6120 74
Total cost	$192818 14
Average cost per mile	$5449 89

DIVISION No. 2.

From head of Village Creek to Grand Glaize.

Reid's Bar Line—Length 34.7 miles.

596477 cubic yards excavation, (haul 182 feet), a 16 cts	$95436 32
2833 " " " (pier foundation), a 40 cts	1133 20
2584 " " bridge masonry, a $10	25840 00
1358 " " brick masonry, (culverts and drains), a $9	12222 00
750 L. feet truss bridging, a $22 50	16875 00
1 draw (extra)	2200 00
7 pier foundations, a $700	4900 00
3820 L. feet trestle work, a $2 75	10505 00
30 " " small bridges, a $10	300 00
400 C. feet timber (open drains), a 10 cts	40 00
Grubbing and clearing, average per mile, $175	6072 50
Total cost	$175524 02
Average cost per mile	$5058 33

DIVISION No. 3.

From Grand Glaize to Little Red River.

Length, 20.72 miles.

510621 cubic yards excavation, (haul 329 feet), a 18 cts	$91911 78
3846 “ “ “ (pier foundation), a 40 cts	1538 40
2308 “ “ bridge masonry, a $10	23080 00
2272 “ “ masonry, (arch culvert), a $6	13632 00
1517 “ “ “ (culverts and drains), a $2 50	3792 50
450 L. feet truss bridge, a $22 50	10125 00
3770 “ “ trestle work, $2 75	10367 50
180 “ “ small bridges, a $10	1800 00
5 pier foundations, a $600	3000 00
1 draw (extra)	2200 00
280 C. feet timber (open culverts), a 10 cts	28 00
Grubbing and clearing, average per mile, $150	3108 00
Total cost	$164583 18
Average cost per mile	$7943 68

DINISION No. 4.

From Little Red River to the North bank of the Arkansas River.

Length, 50.78 miles.

738671 cubic yards excavation, (haul 408 feet,) a 18 cts	$132960 78
2601 “ “ masonry, (culverts and drains), a $2 50	6502 50
1630 L. feet trestle work, a $2 75	4482 50
700 “ “ “ “ a $2 50	1750 00
120 “ “ small bridges, a $10	1200 00
Grubbing and clearing, average per mile $150	7617 00
Total cost	$154512 78
Average cost per mile	$3042 78

DIVISION No. 5.

From the North bank of the Arkansas to the North bank of the Saline.

Length, 28.3 miles.

702827 cubic yards excavation, common earth, (haul 927 feet), a 22 cts	$154621 94
40000 “ “ “ rock, a 75 cts	30000 00
2700 “ “ “ bridge foundations, a 40 cts	1080 00
812 “ “ “ culvert “ a 20 cts	162 40
6490 “ “ bridge masonry, a $10	64900 00
2032 “ “ brick “ (small bridges), a $9	18288 00
1570 “ “ “ “ (culverts(, a $9	14130 00
7000 “ “ retaining wall, a $5	35000 00
8 pier foundations, a $1,000	8000 00
8100 cubic feet timber, (bridge foundations), a 10 cts	810 00
1120 L. feet truss bridge, a $22 50	25200 00
1 draw (extra)	2200 00
220 L. feet small truss bridges, a $20	4400 00
1000 “ “ trestle work, a $2 50	2500 00
Grubbing and clearing, average per mile, $135	3415 50
Total cost	$364707 84
Average cost per mile	$14415 83

DIVISION No. 6.

From the North bank of the Saline to the North bank of the Ouachita.

Length, 40.65 miles.

752092 cubic yards, excavation (haul 514 feet), a 19	$142897	48
9800 “ “ “ (bridge foundations), a 40 cts	3920	00
1498 “ “ “ culvert “ a 20 cts	299	60
1400 “ “ bridge masonry, a $10	14000	00
4924 “ “ brick masonry, small bridges, a $9	44316	00
2937 “ “ “ “ culverts, a $9	26433	00
3 pier foundations, $500	1500	00
31870 cubic feet timber foundations, (culverts and bridges), a 10 cts	3187	00
240 L. feet truss bridge, a $22 50	5400	00
495 “ “ small truss bridges, a $20	9900	00
400 “ “ trestle work, a $2	800	00
Grubbing and clearing, average per mile, $130	5284	50
Total cost	$257937	58
Average cost per mile	$6345	32

DIVISION No. 7.

From the North bank of the Ouachita to the North bank of the Little Missouri.

Length, 21.3 miles.

688979 cubic yards excavation, common earth, (haul 1009 feet), a 23 cts	$158465	17
20000 “ “ “ rock, a 75c	15000	00
6450 “ “ “ bridge foundations, a 40c	2580	00
1310 “ “ “ culvert “ a 20c	262	00
3950 “ “ bridge masonry, a $10	39500	00
1440 “ “ brick “ small bridges, a $9	12960	00
2654 “ “ “ “ culverts, a $9	23886	00
4 pier foundations, a $750	3000	00
7020 cubic feet timber foundations, (bridges) a 10c	702	00
4546 L. feet trestle work, a $2 50	11365	00
300 “ “ truss bridge, (Ouachita) a $22 50	6750	00
1 draw, (extra)	2200	00
250 L. feet small bridges, a $20	5000	00
Grubbing and clearing, average per mile, $140	2982	00
Total cost	$284652	17
Average cost per mile	$13363	94

DIVISION No. 8.

From the North bank of the Little Missouri River to the North border of Little River bottom.

White Oak Route—Length, 35.04 miles.

1286436 cubic yards excavation, common earth, (haul 932 feet), a 22½c	$289448	10
11881 “ “ “ bridge foundations, a 50c	5940	50
2107 “ “ “ culvert “ a 20c	421	40
2480 “ “ masonry, (L. Mo. bridge), a $10	24800	00
3 pier foundations, a $500	1500	00
7680 cubic yards brick masonry, (small bridges), a $9	69120	00
4290 “ “ “ “ (culverts), a $9	38610	20
34932 cubic feet timber foundations (bridges), a 10c	3493	00
1000 L. feet trestle work, a $2 50	2500	00
300 “ “ truss bridge, a $22 50	6750	00
840 “ “ truss (small bridges), a $20	16800	00
Grubbing and clearing, average per mile, $124	4344	96
Total cost	$463728	16
Average cost per mile	13234	25

DIVISION No. 8.

From the North bank of the Little Missouri River, to the North border of Red River bottom.

FULTON ROUTE—Length, 33.92 miles.

Total cost ($80,000 less than the White Oak route),	$433728	16
Average cost per mile	$12727	86

DIVISION No. 9.

From the North border of Little River bottom to the Texas boundary.

WHITE OAK ROUTE—Length, 17.4.

1058213 cubic yards excavation, common earth, (haul 287 feet), a 17c	$179896	21
15000 “ “ rock, a 75c	11250	00
511 “ “ foundations, a 20c	102	20
5160 “ bridge masonry, (Little river), a $12 50	64500	00
4620 “ “ “ (Red river), a $12 50	57750	00
740 “ brick “ (culvert foundations), a $9	6660	00
10 pier foundations, (Red river), a $500	5000	00
5 “ “ (Little river), a $2,500	12500	00
1600 L. feet trestle work a $2 50	4000	00
1200 “ truss bridge, (Red river), a $22 50	27000	00
400 “ truss bridge, (Little river), a $22 50	9000	00
1 draw (extra) Red river	2200	00
1 “ “ Little river	2200	09
1200 L. feet small bridges, a $10	12000	00
Grubbing and clearing, average per mile	2376	00
Total cost	$396434	41
Average cost per mile	$22783	58

DIVISION No. 9.

From the North border of Red River bottom to the Texas boundary.

FULTON ROUTE—Length, 18.2 miles.

665624 cubic yards excavation, common earth, (haul 309 feet), a 18c	$119812	32
344 “ “ “ culvert foundations, a 20c	68	80
6500 “ “ bridge masonry, (Red river), a $12 50	81250	00
600 “ “ brick “ culverts, a $9	5400	00
7 pier foundations, a $2,000	14000	00
1600 L. feet trestle work, a $2 50	4000	00
750 “ “ truss bridge, a $22 50	16875	00
1 draw, (extra)	2200	00
100 L. feet small bridges, a $10	1000	09
Grubbing and clearing, aveage per mile, $128	2432	00
Total cost	$247038	12
Average cost per mile	$13573	52

Cost of one mile of Track.

Iron rails, 100 tons, (63.37 lbs. per yard), a $75	7500	00
2930 lbs. spikes, a 5c	146	50
8218 lbs. chairs, 14 lbs. each, 4½c	369	81
2640 cross-ties, a 20c	528	00
3300 cubic yards ballasting, a 34c	1155	00
Track laying per mile	450	00
	$10149	31

Cost of one Turn-out.

1500 cubic yards of grading, a 20c	300 00
1000 feet of track, iron 40 lbs. per yard 61 tons per mile, other things as above	1328 00
Frogs and switches, (2 sets)	100 00
Switch bars, switch stands and signals	60 00
	$1788 00
Well, tank and pump	335 00
Wood shed	250 00
	$2373 00

DEPOTS—SHOPS—STATION HOUSES, AND STATIONARY MACHINERY.

For one Central Depot.

Locomotive repair shop	$25000 00
Carpenter's shop and pattern shop	8000 00
Blacksmith shop	5000 00
Car repair shop	5000 00
Engine shop	15000 00
Machinery in shops	26500 00
Extra track—frogs, switches, etc	10000 00
	$94500 00

Terminal Depots, Station Houses, etc.

2 terminal depots with machinery for ordinary repairs, a $48,000	$96000 00
2 relay stations for engines, with machinery for slight repairs, $10,000	20000 00
3 principal passenger stations, a $30.000	90000 00
3 principal freight houses, a $20,000	60000 00
19 way stations for freight and passengers, a $3,000	57000 00
28 water stations and turn-outs, a $2,375	66500 00
28 sets of houses for road hands, a $300	8400 00
	$397900 00

Locomotives.

For 2 passenger trains daily, 16 a $9,000	$144000 00
For 1 freight train daily, 10 a $9,000	90000 00
For lumber and gravel trains, 6 a $9,000	54000 00
	$288000 00

Cars.

16 passenger cars, a $2,500	40000 00
6 baggage and express cars, a 1,300	7800 00
250 freight cars, a 600	156000 00
60 gravel cars, a 200	12000 00
30 crank cars, a 100	3000 00
	$218800 00

SUMMARY OF THE ESTIMATES.

Grading, masonry and bridging, 1st division	$ 96805 00
do do 2d do	175524 00
do do 3d do	164583 00
do do 4th do	154513 00
do do 5th do	364708 00
do do 6th do	257938 00
do do 7th do	284652 00
do do 8th do	438728 00
do do 9th do	247038 00
Total grading, masonry and bridging	$2179489 00
301 miles, average per mile	$7241 00

Track.

210.8 miles at $10,150	$2139620	
90.2 miles at $8995	811347	
301 miles.		2950967 00
Road bed and track, per mile, 301 miles, a $17,045		$5130456 00
Depots, water-stations, turn-outs		491400 00
Locomotive engines		288000 00
Cars		218800 00
Engineering and contingencies		245146 00
Cost of road complete		$6373802 00
Average cost per mile		$21175 00

TABLE OF GRADES.

	Level.		Between 0 and 10 ft. per mile.		Between 10 and 20 ft. per mile.		Between 20 and 30 ft. per mile.		Between 30 and 40 ft. per mile.		Between 40 and 50 ft. per mile.		Between 50 and 52.8 ft. per mile.	
	miles	feet	miles	feet	miles	feet	miles	feet	miles	feet	miles	feet	miles	feet
1st division	18	360	35	1775	1	720		3000		1800				
2d do	13	1160	17	3040	3	760		2000		2000				
3d do	6	1820	7	1840		4400		4800	1	920			4	780
4th do	18	4810	12	40	6	1120	5	3000	1	4520	2	40	4	1080
5th do	2	4240	3	4960	4	680	2	2040	3	3760	1	2920	6	4240
6th do	3	960	18	4160	5	1300	1	4320	5	1000	1	3920	4	3580
7th do	5	5200		4600	1	4720	1	4720	1	4120		3400	8	1260
8th do	2	340	5	4800	4	1680	8	160	4	680	1	5120	7	2640
9th do		1200	11	2020	1	1720	2	1640	1	3720		800	1	520
Total	70	4250	113	835	28	1260	23	4560	20	1400	8	360	36	3540

Trace of the line, beginning at the Missouri boundary.

Distances.		
Miles.	Feet.	
54	2550	Tangent. Course S. 44 deg. 15 min. W., true.
..	8150	Curve to left 11460 feet radius.
25	1610	Tangent.
..	900	Curve to right 11460 “ “
9	3430	Tangent.
..	1066	Curve to right 11460 “ “
11	4650	Tangent.
..	1150	Curve to right 11460 “ “
55	1150	Tangent.
..	4500	Curve to right 11460 “ “
2	240	Tangent.
..	5700	Curve to left 5730 “ “
2	....	Tangent.
..	3733	Curve to right 5730 “ “
2	2070	Tangent.
..	3850	Curve to right 11460 “ “
5	1070	Tangent.
..	2125	Curve to left 5730 “ “
2	1980	Tangent.
..	5950	Curve to right 11460 “ “
..	3490	Tangent.
..	1150	Curve to left 11460 “ “
1	2060	Tangent.
..	2300	Curve to left 11460 “ “
2	2360	Tangent.
..	3725	Curve to left 5730 “ “
..	2800	Tangent.
..	1725	Curve to right 5730 “ “
..	5200	Tangent.
..	4225	Curve to right 5730 “ “
..	1930	Tangent.
..	4900	Curve to left 5730 “ “
9	3140	Tangent.
..	2150	Curve to right 11460 “ “
5	2160	Tangent.
..	2600	Curve to left 11460 “ “
5	2540	Tangent.
..	4900	Curve to left 11460 “ “
6	100	Tangent.
..	1700	Curve to left 11460 “ “
8	2940	Tangent.
..	1200	Curve to left 11460 “ “
3	360	Tangent.
..	3050	Curve to right 5730 “ “
..	300	Tangent.
..	1425	Curve to right 5730 “ “
3	3450	Tangent.
..	1400	Curve to left 11460 “ “
6	4150	Tangent.
..	2700	Curve to right 11460 “ “
4	2670	Tangent.
.	1500	Curve to left 11460 “ “
..	300	Tangent.
..	1000	Curve to left 11460 “ “
14	770	Tangent.
..	550	Curve to right 11460 “ “
19	174	Tangent.
..	1975	Curve to left 5730 “ “
3	2300	Tangent.
..	1366	Curve to right 11460 “ “
14	2820	Tangent.

RESOLUTIONS AND REPORT.

Resolved, That the president's communication of the 9th [October] instant, with the report, maps, profiles, and township plats of the chief engineer, therewith submitted and laid before the board, be accepted and approved; that the line of the road therein reported and indicated upon the maps and profiles from the Missouri boundary, crossing White river at Reid's bar by way of Little Rock to Fulton and the Texas boundary, be and the same is hereby designated and fixed as the line or route of the Cairo and Fulton railroad.

Resolved, That the president advise the Executive of the State of Arkansas, that this company are prepared and ready, at their own expense, to select the lands granted to this State in aid of the construction of the Cairo and Fulton railroad; but as the General Assembly will meet at an early day in regular session, the company, anxious to co-operate with every department of the government, so that the combined influence and efforts of all may urge forward this great enterprise in harmony, to its completion, desire the sanction of their labors thus far by the representatives of the people, before proceeding farther.

Resolved, That the president cause the documents mentioned in the first resolution, or a certified copy thereof, to be submitted to the Governor, together with these resolutions, for his information and that of the General Assembly.

To the Directors of the Cairo and Fulton Railroad Company.

The committee appointed by you to examine the books and accounts of the president and treasurer, and also the action of the executive committee of the Cairo and Fulton railroad company, report—

That they have discharged that duty, and find the accounts of the president and treasurer and the action of the executive committee not only correct, but exhibiting an excellent system of accountability. The accounts of money received and disbursed presents a plan which makes it impossible for any director, officer or agent of the company to misapply the funds that come into his hands, without its being open to easy detection.

All moneys received are paid to the treasurer of the company, and disbursed only upon the written order of the executive committee, signed by the chairman thereof. Besides, publication of notices, circulars, etc., have been made, as the books and accounts show, only by order either of the board of directors or the executive committee. This embraces the internal improvement fund of Pulaski county as well as that of other counties that have taken stock in the road. These subscriptions, as appears from the records of the company, have been made by order of the respective county courts, which are uniform, while the several amounts paid upon these county subscriptions have been turned over to the treasurer of the company in the same manner as those arising from individual subscriptions, thus constituting a general fund, disbursed by order of the company, and not by authority of the president, treasurer or other member of the company.

Respectfully submitted,
H. C. DYE, *Chairman*,
H. K. HARDY,
JAMES RUSSELL.

Resolved, That the thanks of the directory be, and they are hereby tendered to the president, treasurer, secretary, executive committee, and coprs of engineers, for the able, faithful, and patriotic manner in which they have discharged their several duties.

Resolved, That the president's communication to this board, and the chief engineer's report, together with such resolutions of the board as may be applicable thereto, be printed in pamphlet form for general distribution among the stockholders.

I certify that the foregoing is truly copied from the proceedings of the board of directors.

B. C. HARLEY, *Secretary*
of the C. & F. R. R. Co.

Little Rock, Arks,
October 10, 1854.

BOARD OF DIRECTORS

OF THE

CAIRO AND FULTON RAILROAD COMPANY.

Elected on the 15th May, 1854.

DANIEL RINGO, Pulaski county.
ROSWELL BEEBE, " "
S. W. McNEELY, Sevier "
EDWARD CROSS, Hempstead "
HENRY K. HARDY, Clark "
ROBERT MARTIN, Dallas "
GREEN B. HUGHES, Saline "
HENRY C. DYE, Independence "
JAMES ROBINSON, Jackson "
THOMAS HOUGH, " "
JAMES RUSSELL, Randolph "
ISRAEL M. MOORE, White "

OFFICERS.

ROSWELL BEEBE, *President.*
DANIEL RINGO, *Vice President.*
WILLIAM B. WAIT, *Treasurer.*
B. C. HARLEY, *Secretary.*
JAS. S. WILLIAMS, *Chief Engineer.*

Executive Committee.

DANIEL RINGO, *Chairman,*
GREEN B. HUGHES,
ROSWELL BEEBE.

Office Cairo and Fulton R. R. Co.,
Little Rock, Arks., Oct. 17, 1853.

To his Excellency, E. N. Conway, *Governor*
of the State of Arkansas:

Sir—Herewith I have the honor to transmit for your information and that of the General Assembly, a copy of a letter received from the chief engineer of this company, on the 13th instant, which exhibits the date of the completion of the survey of this road.

Very respectfully,
Your ob't serv't,
ROSWELL BEEBE,
President.

Engineer's Office, C. & F. R. R.,
Little Rock, October 13, 1854.

Roswell Beebe, *President C. & F. R. R. Co.:*

Dear Sir—In order to comply with the act of Congress, passed on the 9th February, 1853, "to aid in the construction of a railroad from a point on the Mississippi opposite the mouth of the Ohio river, via Little Rock, to the Texas boundary, near Fulton in Arkansas," I present herewith a copy of the survey made under authority of an act of the General Assembly of the State of Arkansas, approved on the 12th January, 1853.

This copy has been made in accordance with the instructions of the commissioner of the general land office, dated May 19th, 1853.

Two copies are transmitted, "one to be forwarded to the proper local land offices respectively, the other to the general land office at Washington city."

This survey was completed on the 25th September, 1854, and reported to the board of directors.

The route of the road is marked in red ink on the copy.

Very respectfully,
Your ob't servant,
JAS. S. WILLIAMS,
Chief Eng. Cairo & Fulton R. R.

Office Cairo and Fulton Railroad Co.,
Little Rock, Arkansas, Nov. 28, 1853.

Capt. James S. Williams,
Chief Engineer Cairo and Fulton Railroad.

Dear Sir—You are instructed to survey the Cairo and Fulton railroad, incorporated 12th January, 1853; keeping in view the charter and the act of Congress granting alternate sections of the public lands to the States of Arkansas and Missouri, on that proposed line of road; selecting and reporting the most direct, eligible and practicable route for a railroad, all things considered.

The point on the boundary line between the States of Missouri and Arkansas the most suitable for the divergence of the road —one to St. Louis, via the Iron mountain, and the other to a point on the Mississippi river, in the State of Missouri, opposite the mouth of the Ohio river—is to be determined upon consultation with the chief engineer of the St. Louis and Iron mountain railroad company.

The point of connection of the southern end of the dividing line between the States of Arkansas and Texas, is to be in like manner determined upon consultation with the chief engineer of the Galveston and Red river railway company; having a due regard to its through character in those three States.

The charter, as you will observe, as well as the act of Congress making the grant, provides that the road shall pass via Little Rock to the Texas boundary line, near Fulton in Arkansas.

These instructions may be altered, amended or modified by the company, at any time, through their president, during the progress of the work.

Very respectfully,
Your ob't servant,
ROSWELL BEEBE, *President.*

Office Cairo and Fulton Railroad Co.,
Little Rock, Arks., May 17th, 1854.

Capt. James S. Williams,
Chief Engineer Cairo and Fulton Railroad:

Dear Sir—I have been directed by the board of directors of this company to instruct you to make an instrumental reconnoissance of a route for the most suitable line for a railroad, crossing White river at or near the town of Augusta, in Jackson county, so as to exhibit its connection with the surveys now making under the instructions of this company, addressed to you on the 28th of November last, and in time to make due report thereof with your other surveys.

Very respectfully,
Your ob't servant,
ROSWELL BEEBE, *President.*

REPORT

OF THE

BOARD OF SWAMP LAND COMMISSIONERS.

Office of Board Swamp Land Commissioners,
Helena, 5th October, 1854.

To his Excellency,
Elias N. Conway,
Governor of Arkansas.

Sir—The swamp land commissioners, for the State of Arkansas, have the honor to submit herewith their report, embracing the operations of the board during the two last years.

On the 2d day of April, 1853, the present board convened at Helena, and organized, as required by the act of 12th January, 1853, amendatory to the then existing laws, regulating the swamp and overflowed lands.

They elected their secretary, appointed the requisite locating agents to examine and report all the remaining swamp lands in the State—made their divisions of the State, by way of charging each swamp land commissioner with the personal supervision thereof, and appointed the necessary sub-commissioners and engineers, with assistants, such as the extent of the work and the interests of the State seemed to require.

The immediate charge of supervision in the location of the levees, drains and other improvements necessary and proper to the reclamation of the swamp and overflowed lands, was assigned to John McDaniel, in the following counties, to wit: Izard, Randolph, Lawrence, Green, Jackson, Poinsett, Mississippi, St. Francis, Crittenden, Phillips, Monroe, Drew, Arkansas, Ashley, Chicot and Desha.

In the following counties, to Jos. D. Dickson, to wit: Newton, Fulton, Marion, Carroll, Benton, Madison, Washington, Crawford, Franklin, Scott, Montgomery, Pike, Polk, Clark, Sevier, Hempstead and Lafayette.

In the following counties, to L. J. Reardon, to wit: Independence, White, Searcy, Prairie, Van Buren, Conway, Pope, Johnson, Yell, Perry, Pulaski, Saline, Hot Spring, Jefferson, Bradley, Dallas, Ouachita and Union.

In obedience to the act of January 12th, 1853, requiring the division of the State into five land districts for sale and entry of the swamp and other lands of the State, they established by ordinance, to wit: the

HELENA LAND DISTRICT,

Commencing on the line dividing the States of Arkansas and Missouri, at the township line between ranges three and four east; thence south on said line, to intersect the township line between seven and eight north; from thence west to the fifth principal meridian; thence south to the township line between six and seven north; thence west to the range line between one and two west; thence south on said line to the line dividing townships three and four north; thence west on said line to the line between ranges five and six west; from thence south to the base line; from thence east on said base line to the line between ranges two and three west, and thence with the line south and west, defining the boundary of the United States Helena (Mississippi) land district.

JACKSONPORT LAND DISTRICT,

Commencing at a point, where the township line between three and four north intersects the range line between five and six west; thence north and west, with the southern boundary of the U. S. Batesville land district, to the line between ranges fourteen and fifteen west; thence north on said line to intersect the line between Arkansas and Missouri; thence east along said State line to the line between ranges three and four east; thence south and west with the western boundary of the Helena land district, as heretofore set forth, to the place of beginning.

DARDANELLE LAND DISTRICT,

Commencing on the Missouri line, between ranges fourteen and fifteen west; thence south on said line to the base line; thence west on said base line to the western line of the State; thence north along the western line of the State to the north-west corner of the State; from thence along the line dividing the States of Arkansas and Missouri, to the point of beginning.

PINE BLUFF LAND DISTRICT,

Commencing on the base line, at the point intersected by the line between ranges seventeen and eighteen west; thence south to the line of the State; from thence east to the western line of the Helena district, from thence with the line of said district, and districts of Jacksonport and Dardanelle, to the point of beginning.

WASHINGTON LAND DISTRICT,

And all that portion of the State of Arkansas not included in any of the foregoing districts, is hereby set apart and constitute the Washington district; and that this order be published in three papers in this State.

They adopted such of the ordinances of the preceding board as were of a general nature, and consistent with the change in the laws pertaining to the swamp lands.

The change in the law of last session of the legislature taking from the commissioners, upon certain contingencies, the disposal of swamp lands and entrusting it to the land agents, elected for the five land districts of the State, it seems was not clearly understood at first. The land agents, so soon as their districts were laid off, proceeded to open their offices for application and sale of the swamp lands, without having received their plats from the auditor, and without having offered them at public sale.

The board at the same time declined to receive applications, or to exercise any authority in the sale of these lands at the office of the board, or otherwise. Applications, however, were made at the office of the board, with protestations against the denial of the board to receive them.

The board, in October, 1853, under a full hearing of the case, and a review of the law and their duties pertaining to the matter, decided by ordinance that the action of the State land agents in the receiving of applications, for sale and entry of swamp land, was premature, and adopted the ordinance as follows, to wit:

It is, therefore, by this board, resolved and decided as follows:

1st. That this board is the identical board of commissioners established by said act of January 6th, 1851, there having been a change in the members, but none in law in the board itself.

2d. That this board holds such meetings as were provided for by said act of January 6th, 1851, and the duties which they are to discharge are those imposed upon them by the act of January 6th, 1851, of which that of January 12th, 1853, is but an amendment.

3d. That the object of the last act of the legislature above cited was to subdivide the powers and duties conferred and imposed by said original act on this board, and to transfer a certain portion of those powers and duties at a particular time, and on the happening of a particular contingency, to the land agents, provided for by the said last enacted act; and to continue the residue in this board by virtue of said original act.

4th. That "after the said land agents shall have been furnished by the auditor, with the books, maps and plats" of the swamp and other lands belonging to said State, and not before, they will "have full power and authority to sell such swamp and overflowed lands, being governed therein by the provisions of said several acts, which powers have vested or will vest successively in said land agents, as they have been or shall be respectively furnished with said books, maps and plats.

5th. That nothing in said two acts of January 6th, and January 15th, 1851, was or will be altered or changed, until the auditor made out and furnished, or shall make out and furnish to said respective land agents, the maps and plats required by said act of January 12th, 1853, to be furnished by him.

6th. That after receiving said maps and plats, and not before, the respective land agents could or can advertise said swamp lands in their respective districts, for sale, "taking the books and maps furnished by the auditor for their guides with regard to what lands are so owned by the State"—such advertisement to be made as provided by said last act; and it will be the duty of each after such advertisement, to offer said lands for sale at public auction, to the highest bidder, for not less than one dollar and twenty-five cents per acre; after which, and not before, when all such lands in a particular district shall have been offered for sale, the land agent for that district will be authorized to allow the private entry and purchase of such lands.

7th. That such books, maps and plats having been furnished by the auditor to only one of said land agents, to wit: Jesse A. Jackson, esq., and the publication of his advertisement of sale being commenced only, and not completed, the result is that the powers of this board, as to the sale of lands, have ceased as to the Helena district, and are transferred to said land agent, Jesse A. Jackson, but remain unaltered and unimpaired as to the residue of this State, and all entries of land with any of said land agents and purchases of land from them, and applications for purchase made to them, up to this time are mere nullities; nor can any one of said land agents sell or receive pay for any of said lands, at private sale, or receive applications therefor, until he shall first have advertised said lands and offered them for sale at public sale; no such land agent, having any power or authority to sell a single tract of such land, until he shall first have offered the same at public sale.

8th. That in the meantime the different contractors, commissioners, engineers, surveyors, and other officers of all kinds, who have rendered services or done work under said original act, have thereby a vested right, which no legislature can or could impair, lessen or render ineffectual, to receive their pay for such work or services, either in lands or in scrip, at their option, which scrip, they or any assignee or holder thereof, has a like vested right to locate on any of the unlocated portion of the swamp and overflowed lands in said State.

9th. That when any such selection or location is made, in any land district, and this board is informed thereof, before the said books, maps and plats aforesaid, are furnished to the land agent for that district, the numbers of the land so selected must be furnished to this board, who may give the locator a certificate of such location and selections, under the 6th section of said act of Jan. 6th, 1851.

10th. That this board will hereafter receive applications to purchase such land, and applications of such contractors and officers, to be paid in such lands, and will recognize such applications heretofore made to them, as legally made, and issue such certificate therefor.

11th. And in order to prevent injustice and save private rights, and to secure, so far as they may, persons who have heretofore made applications to said land agents to purchase such lands, this board will, whenever furnished with competent evidence that any person has purchased any of such lands from any of said land agents, and paid them therefor, in scrip or otherwise, (regarding the certificates of said agents, or copies of their lists of sales certified by them, as sufficient evidence,) and whenever the party also produces evidence that the scrip or funds paid by him are in the hands of the auditor or treasurer, as paid by him, consider such purchase and payment as an application to purchase the same lands, and payment therefor, made to them, as of the day when such proof is furnished, reserving all rights vested in or accrued to any other person or persons in the meantime, and will give certificate accordingly, and to that end will receive and consider as applications made to them, on the day when received, lists from said land agents, of all such lands heretofore, but not hereafter, purchased of them; so that in any event, and whatever may be ultimately decided by the courts in regard to the questions involved, the rights of innocent purchasers will be protected and ruinous litigation avoided.

12th. That this board considers that scrip issued by the auditor, upon contracts made for levying or ditching, or for salaries, pay or compensation for services contracted for a term of service, commenced under the said original act, stands in all respects upon the same footing as scrip issued by their predecessors, and will receive the same in payment for lands on precisely the same terms, in all respects, as they will receive such scrip issued by their predecessors in office.

In pursuance of the 10th section of the above ordinance, the office of the board was opened for applications, and continued to dispose of the swamp land in each and all the districts of the State, until notified that the maps and plats were furnished to any particular district by the auditor. When so notified of the reception of the plats in any district, the board ceased to receive applications therein.

Sub-commissions were also appointed, specially charged to receive applications for swamp lands at Pine Bluff, and at Washington, and to report the same to the office of the board.

In pursuance also, of section 11th of said ordinance, B. F. Hempstead, on the 15th Nov., 1853, reported to the office of the board, a list of applications, informally received by him, accompanied with scrip, or the certificate of the treasurer, that the scrip had been paid into the treasury for the same.

And D. W. Carroll, on the 25th Dec., 1853, reported also a like list, which lists, with the evidences of payment, were examined by the board, adopted and confirmed as enties made before the board, of the date they were received at the office of the board, and not in conflict with any entries made directly at the office of the board,—these, together with the applications made directly at the office of the board, were reported to the auditor 26th April, 1854, and the scrip paid in, and the receipt of the treasurer obtained for the same.

The board have held their regular meetings quarterly, at Helena, and audited all claims for levee work, ditching or draining, and other incidental claims upon the swamp land fund, and have certified all claims that were allowed by them, to the auditor.—Claims for levee and other work have been brought before the board by the engineer, and allowed upon the measurements and estimates reported by him, together with his certificate, that the work reported is, in all respects, constructed in accordance with the requirements of the board, and at a safe distance from the river.

Statement A, of this report, shows the amount of levee work reported before them for allowance—the amount at 15, 20 and 25 cents per cubic yard—the amount allowed therefor in dollars and cents—the name of the party to whom the allowance is made, with the date of the same—the number of each certificate by which each claim is certified to the auditor. Recapitulation at the close of statement A, shows the footing of each page—the total amount in cubic yards—the amount at the different prices, and the total amount in dollars and cents, to wit: $783,156 13.

Statement B, shows the amount reported for ditching and draining, and the amount allowed therefor; also, the amounts claimed for commissioners' salary, sub-commissioners', engineers' and other incidental claims upon the swamp land fund, and the total amount allowed therefor; the name of the party to whom allowed, with date of allowance, and the number of the certificate by which each claim is certified to the auditor.

Recapitulation sheet, at the close thereof, shows the footing of the separate pages, and the total amount in dollars and cents, to wit: $62,016 37.

Statement C, shows the amout of certain allowances made by the preceding board, in favor of parties therein named, which were unpaid by the board that allowed them: also balances found to be due on examination of their accounts, for which the parties claimed a certificate to the auditor, to enable them to get payment.

This statement shows also the certificates given to enable a party to get back his scrip, paid in on entries found to be illegal, or overplus on account of area, or where two entries were found in conflict, amounting to $99,390 78.

The commissioners would further report, that they have examined the books of the office, and find that there was ($222,880) two hundred and twenty-two thousand eight hundred and eighty dollars of first class scrip, and ($147,880) one hundred and forty-seven thousand eight hundred and eighty dollars of second class scrip issued by the old board, making in the aggregate $370,760 issued by the former board.

RECAPITULATION.

Amount of scrip issued by old board,	$ 370,760 00
" levee work allowed and certified by new board,	783,156 13
" ditching and incidental expenses, new board,	62,016 37
" allowances and balances, old board,	99,390 78
	$1,315,322 28

Since April, 1853, the locating agents appointed by the board, have reported to this office, 1,281,997 acres as swamp and overflowed lands, in the following counties to wit:

In Ashley,	271,937 acres.
In Bradley and Calhoun,	308,640 "
In Drew,	135,150 "
In Dallas,	3,240 "
In Hempstead and Lafayette,	449,470 "
In Sevier,	41,360 "
In Jefferson,	24,800 "
In Pulaski,	4,360 "
In Randolph, Lawrence and Green,	12,680 "
In Scott,	26,960 "
In Saline,	3,400 "
Total,	1,281,997 acres.

This amount has not been recommended for confirmation to the State by the surveyor general, because the locating agents have not fully complied with the instructions of the surveyor general in regard to the manner of their examination of the lands. These lists will be speedily returned to the locating agents for correction under the aforesaid instructions.

The claim of the State to swamp lands, under the grant of Congress of 28th September, 1850, stands thus:

Am't confirmed by Secretary of Interior,	5,567,051.81 acres.
" recommended for confirmation,	2,897,891.34 "
" suspended for further proof,	577,975.60 "
" informally reported,	1,281,997 "
Total	10,324,915.75 acres.

Besides, the agents of the State are continuing to report, in smaller quantities, lands which undoubtedly enure to us under the grant; and will continue, in the future, so long as there can be found land of a swampy and overflowed character in the State. The grant is an open one, and by it, the board conceive that the State is entitled to all the lands that can be shown to be of the character designated in the grant, though it be many years in the future.

It will be seen, therefore, by the statements of this report, that the total amount of allowances certified to the auditor, together with the scrip paid out on allowances of the old board, for the service, for which the board of swamp land commissioners was created, amounts, as a claim upon the swamp lands, to $1,315,322 28. For this expenditure, the board have caused to be levied and secured from overflow, almost the entire portion of the State fronting on the Mississippi river, a large portion of the Arkansas river, and considerable portions elsewhere in the State, together with ditching and draining in the interior. The reports and diagrams of our engineer do not enable us to state precisely the amount, in miles, of completed levee on the Mississippi or Arkansas rivers. The amount unfinished in the counties of Mississippi and Chicot is a mere fraction. In the county of Crittenden, there remains unfinished about nine miles; in the counties of Phillips and Desha, about twenty-six miles; on the Arkansas and White rivers, we are not able to state the amount of practicable levee that remains to be done.

Thomas Peters, of Memphis, submitted a proposition to the board at its last meeting, to take the contract to complete all the unfinished work of leveeing and ditching in the State, at the prices heretofore stipulated and paid by the board—the work to be done under the immediate direction of the board, to be completed in ten years. The board favorably entertained his proposition, but nothing was concluded in regard thereto.

We are gratified in being able to state, that the work of reclamation of the swamp lands, has gone steadily forward with unparalleled success from its commencement. The progress that has been made, has exceeded the expectations of its ardent friends. Without one dollar of cash capital—relying simply upon the issuance of scrip or certificates, as a claim upon the grant of Congresss, a work has been done that adds millions to the property of the State—a work which, if perfected and preserved, will mark a period in the progress of improvement. Surely, no State, with similar means, can point to a greater achievement in the history of internal improvement.

Very respectfully,
Your ob't serv'ts,
JOHN McDANIEL,
JOHN HUTT,
Swamp Land Commissioners.

Office of the Board of Swamp Land Commissioners,
Helena, 5th October, 1854.

I do hereby certify that the statements "A," "B," and "C," which are herewith made part of the report of the swamp land commissioners, to the Governor of the State of Arkansas, have been carefully compiled from the books and files in this office, and are correct.

WM. E. BUTTS, *Secretary.*

STATEMENT A.

Date of allowance.	To whom allowed.	No. of cubic yards of levee received.	Amount of allowance for levee at 15, 20 and 25 cents per cubic yard.			No. of certificate to auditor.	Total am't allowed and certified to auditor.	Remarks.
			at 15 cts.	at 20 cents.	at 25 cts.			
July 11th, 1853.	Addison, A. E.	12948	1353 15	785 40		97	2138 55	
April 5th, 1854	same	4037 10	528 55	102 68		327	631 23	
April 10th	same	2114		422 80		406	422 80	
July 11th, 1853	Brooks, Wm. P. assignee of S. Lanier	18701 50	270 45	3740 30		75	3740 30	
July 13th	Bard, Wm.	1803				82	270 45	
October 5th	Barraque, Antoine	1667	402 80	333 40		175	333 40	
same	Burnett, Lemuel H.	2685	572 35			182	402 80	
April 4th, 1854	Brandenburg, Sol. I.	3815 68				324	572 35	
January 7th	Bannon, Patrick	25200		5040		257	5040	
same	same	2816 27		563 25		270	563 25	
June 20th	same	18500 79	32382	3269 07		475	3592 89	
same	same	18709		3741 80		498	3741 80	
January 4th	Brown & Gillespie	3348		669 60		198	669 60	
April 10th	same	4558 20		911 64		403	911 64	
June 20th	Brett, George C.	4329 50		865 90		472	865 90	
July 11th, 1853	Clark, John	2392		478 40		32	478 40	
April 10th, 1854	same	23564		4712 80		393	4712 80	
same	same	8832 44		1766 48		394	1766 48	
July 11th, 1853	Catron, Oliver P.	10024		2004 80		58	2004 80	
October 5th	same	6706		1341 20		176	1341 20	
July 13th	Casteel, Robt. W.	5306		1061 20		79	1061 20	
January 7th, 1854.	same	11435		2287		277	2287	
same	same	4316		863 37		287	863 27	
April 5th	same	14086		2817 20		345	2817 20	
October 5th, 1853	Caldwell, J. H.	1554		310 80		170	310 80	
January 6th, 1854.	same	3208		641 77		289	641 77	

January 4th, 1854.	Craig, Silas	23720		4744		209	4744	
January 5th	same	4598	606	111 60		223	717 60	
same	same	11827		2365 40		222	2365 40	
April 7th	same	6925 96		1385 19		360	1385 19	
April 5th	Craig, Silas & Co.	22165	1031 55	3457 60		337 to 340	4489 15	
January 5th	Campbell, R. M.	19077		3815 40		216	3815 40	
April 5th	same	8239		1647 80		333	1647 80	
January 6th	Craighead, Jas. B.	17820		3564		237	3564	
same	Craig, Thomas B.	5215 52		1043 10		238	1043 10	
April 11th	same	5375		1075		430	1075	
same	same	13698		2739 60		431	2739 60	
January 6th	Campbell, R. C.	10279		2055 80		233	2055 80	
January 7th	Carroll & Dailey	25581 11		5116 22		251	5116 22	
same	same	11880	1782 20			253	1782 20	
April 5th	same	67431 75		13486 36		348	13486 36	
June 20th	same	4340 05		868 01		480	868 01	
January 7th	Clark, H. E.	16524 44		3304 88		256	3304 88	
April 7th	same	23491		4698 20		381	4698 20	
January 7th	Conly & Cartwright	9582 22		1916 44		273	1916 44	
same	Chace Squire, W. D.	2630		526		279	526	
April 5th, 1853	Duvall, L. M.	4212 56		842 51		9	842 51	
July 11th	Dillon & Manning	11738		2338 12		42	2338 12	
January 4th, 1854.	same	36589		7317 80		208	7317 80	
July 13th, 1853	Donnelly, Patrick	21120		4224		63	4224	
January 7th, 1854.	same	50454		10090 80		267	10090 80	
same	same	10007	893 40	1553 80		268	2447 20	
April 13th	same	48583		7716 60		449	7716 60	
same	same	20648		5209 60		450	5209 60	

STATEMENT A—Continued.

Date of alllowance.	To whom allowed.	No. of cubic yards of levee received.	Amount of allowance for levee at 15, 20 and 25 cents per cubic yard.			No. of certificate to auditor.	Total am't allowed and certified to auditor.	Remarks.
			at 15 cts.	at 20 cents.	at 25 cts.			
October 4th, 1853	Douglass, Robt. H	8746	1311 90			165	1311 90	
October 5th	Dobbins, W. D	3619		723 80		169	723 80	
January 7th, 1854.	Diamond, Eli T	5916		1183 20		294	1183 20	
April 7th	same	7585		1517		380	1517	
" 10th	same	8804		1760 88		395	1760 88.	
same	Dillingham, Vachel	8668 50		1733 70		416	1733 70	
April 11th	Dillon, Michael	14815 75		2963 15		424	2963 15	
June 19th	Davis, Anthony H	382 05		76 41		467	76 41	
April 8th	Erwin, Jas. I	3960		792		387	792	
" 5th, 1853	Fletcher, Elliott H	2984 24	447 63			4	447 63	
January 6th, 1854.	same	15492 66	528	2394 53		241	2922 53	
April 10th	same	8262		1652 40		415	1652 40	
same	same	14995		2999		418	2999	
same	same	20618		4123 80		419	4123 80	
July 11th, 1853	Frazier, Farwick	15369	556 80	2331 40		28	2888 20	
January 6th, 1854.	same	8730		1746		242	1746	
April 7th	same	4257		851 40		356	851 40	
July 11th, 1853	Fletcher, Thomas	7107	591 30	633		108	1224 30	
April 11th, 1854	same	4067	610 05			425	610 05	
January 4th,	Fuller, Isaac W	5760		1152		197	1152	
April 7th, 1854	same	10059 43		2011 88		359	2011 88	
" 5th	Ferguson, Wm. T	11052		2210 40		334	2210 40	
January 11th	Ford, James C	20906		4304 53		307	4304 53	
April 4th	Flournoy, David J	40047 85		8009 57		319 and 320	8009 57	
" 5th	Ferguson, F. M	5065 76	643 09	355 55		346	998 64	
" 7th	Farrelly, Terrence	3048	457 20			357	457 20	
" 11th	same	6101	915 15			426	915 15	
same	same	9504	1425 60			427	1425 60	
same	same	4693	703 95			428	703 95	

April 7th, 1854	Flaherty, Patrick	4174		834 80		877	884 80	
same	same	1500		800		489	800	
June 21st	Fletcher. Richard	4925	96 60	856 20		470	952 80	
July 13th, 1853	Gaster, Stephen	6043 81		1208 76		88	1208 76	
January 4th, 1854.	same	1534 12		306 82		199	306 82	
same	Gaines, Wm. H.	12864 99	895 74	1398 66		200	2294 40	
April 4th	same	7332		1466 40		325	1466 40	
January 4th	Gaines, Benjamin P.	6719		1343 80		204	1343 80	
" 7th	Garwin, P.	26743		5348 60		254	5348 60	
April 5th	Gilmore & Garwin	53030 50		10606 10		350	10600 10	
" 7th	same	44744 50		8948 90		373	8948 90	
same	Gocio, Joseph	3028 50		605 70		362	605 70	
June 20th	same	2762 12	414 81			486	414 81	
April 5th, 1853	Harding, G. S. & Brother	1898 43		379 68		5	379 68	
same	same	2907 70		581 54		3	581 54	
January 6th, 1854	same	5144 46		1028 89		244	1028 89	
April 5th	same	3374 86	132 07	499 17		348	631 24	
" 5th, 1853	Harding, John	4074 86		814 97		2	814 97	
July 11th	Hubbard, John M.	6500	975			101	975	
" 13th	Hickman, Elliott	5759 50		1151 85		83	1151 85	
January 6th, 1854.	same	9582		1916 40		230	1916 40	
October 5th, 1853	Hannegan, Patrick	4553		910 60		168	910 60	
January 4th, 1854.	Halliburton, Thomas	11451		2290 20		195	2290 20	
" 5th	Humphrey, George	9516		1903 20		220	1903 20	
April 8th	same	13895		2779		384	2779	
" 8th, 1854	same	29258		5851 60		385	5851 60	
" 10th, 1854	same	30554		6110 80		407	6110 80	
January 6th	Hawkins, Thomas	28784		5756 80		226	5756 80	
April 10th	same	21587	653 10	3448 60		318	4101 70	
" 4th	Hudspeth, H. S.	2349		469 80		822	469 80	

STATEMENT A—Continued.

Date of allowonce	To whom allowed.	No. of cubic yards of levee received.	Amount of allowance for levee at 15, 20 and 25 cents per cubic yard.			No. of certificate to auditor.	Total am't allowed and certified to auditor.	Remarks.
			at 15 cts.	at 20 cents	at 25 cts.			
April 7th, 1854	Harding, B. F.	21826 50		4365 30		364	4365 30	
same	same	23917 50		4783 50		370	4783 50	
same	same	21093 75		4208 75		371	4208 75	
same	same	24321 25		4878 25		372	4878 25	
June 21st	Hollenback, Eben	14831 42		2966 28		490	2966 28	
July 11th, 1853	Isabell & Tarter	10829		2165 80		39	2165 80	
January 5th, 1854.	same	8289	179 70	1418 20		224	1597 90	
April 5th	same	16889		3377 44		330	3377 44	
July 12th, 1853	Jordan, Daniel	14463		2892 60		30	2892 60	
January 6th, 1854.	same	8407		1681 40		247	1681 40	
July 11th, 1853	Johnson, Benj. S.	4968	997 20			117	860 68	$136 52 deducted, due on last settlem't.
January 6th, 1854.	same	14999		2999 80		246	2999 80	
April 8th	same	20525		3145		386	3145	$960 previously paid.
same	same	18156 96		2631 39		388	2631 39	
July 11th, 1853	Jones, Edwin	15264 80	1392 21	1196 67		106 and 107	2588 88	
" 12th	Jones, John	14553		2901 60		57	2901 60	
January 6th, 1854.	Johnson, J. P.	3802	126 75	591 40		239	718 15	
same	Jones, John assignee	21567		4313		250	4313	
April 5th	same	41168		8233 60		341	8233 60	
October 5th, 1853	Kennedy, John	1598		319 60		167	319 60	See Hannegan's estimate
same	Kimbraugh, Wm. A.	10009		2001 80		181	2001 80	
January 6th, 1854.	Keefe, Daniel	2808		561 60		249	561 60	
April 7th	same	4733 50		946 72		355	946 72	
January 6th	Knowlton, Cephas	3748		748 60		245	748 60	
April 6th	same	1946 44		389 28		353	389 28	
" 8th	Knowlton, Miles	4908 46		981 69		392	981 69	
" 18th	Killiam, Miles	9386		2000		440	2000	

June 22d, 1854,	Kennedy & Donahue,	8733		746 60		495	746 60	
July 11th. 1853,	Lewellyn, John R.	4174		834 80		45	834 80	
January 5th, 1854,	same	16686		3327 20		217, 218 & 219	3327 20	
April 5th	same	4686 12	702 90			336	702 90	
July 11th, 1853,	Livesey	336		67 20		113	67 20	
April 5th, 1854,	same	881 60		176 34		347	176 34	
April 7th	Lanier, Sam'l B.	45879 75		9175 95		382	9175 95	
April 10th	Lowry, Gerald	6258		1251 60		417	2151 60	
July 14th, 1853,	Manning, Thos	8058	602 40	808 40		94	1410 80	
July 11th, 1854,	McLain, Jeremiah	5073		1014 60		46	1014 60	
same	Mitchell, Samuel	15714	2357 10			104	2357 10	
June 20th, 1854,	same	1635 60		327 12		482	327 12	
July 11th, 1853,	McNamee, Michael	9067 75		1813 55		44	1813 55	
January 7th, 1854,	same	34422 66		6884 53		252	6884 53	
April 12th	same	15068		3013 60		432	3013 60	
same	same	21315 50		4263 10		433	4263 10	
same	same	17720 50		3544 10		434	3544 10	
July 11th, 1853,	Maloney, R. ass. Wm. Sears	11000		2200		103	2200	
July 12th	Metzer, David	4769		953 80		61	953 80	
same	McGavock, Jno. H.	4349 25		869 85		111	869 85	
January 7th, 1854,	same	21120		4224		260	4224	
October 4th, 1853,	McLain, Charles A.	3769		753 80		164	753 80	
January 6th, 1854,	same	6720		1344		240	1344	
" 4th,	Moreton, Edward C.	16594	2489 25			192	2489 25	
same	Miles, James B.	30374		6074 80		201	6074 80	
April 5th	same	16602 62	2092 49	520 53		331	2613 62	

STATEMENT A.—Continued.

Date of Allowance.	To whom allowed.	No. of cubic yards of levee received.	Amount of allowance for levee at 15, 20 and 25 cents per cubic yard.			No. of certificate to auditor.	Total am't allowed and certified to auditor.	Remarks.
			at 15 cts.	at 20 cents.	at 25 cents.			
January 5th, 1854,	Mitchell, Joab	8014		1602 80		221	1602 80	
April 8th,	same	20345		4069		420 and 891	4069	
January 6th,	Manley, Cornelius	10298		2059 60		236	2059 60	
same	Mosby, J. guard. J. Catron.	7040		1408		243	1408	
same	McCormick & Co.,	1970		394		293	394	
January 7th,	McGrath, John	43022 22		8604 44		261	8604 44	
April 7th,	same	43712		8742 40		365	8742 40	
same	same	13865	2079 75			366	2079 75	
same	same	16923		3384 60		367	3384 60	
same	same	12760	1914			368	1914	
same	same	36274 50		7254 90		369	7254 90	
January 7th,	Moran, Philip	13982		2796 40		271	2796 40	
same	McKeon, Wm.	55729 75		11145 95		266	11145 95	
same	Meath, Patrick G.	47520			11880	276	11880	
April 7th,	same	28568		5718 60		374	5718 60	
same	same	27162		5432 30		375	5432 40	
April 8th	same	23296 75		4659 35		376	4659 35	
April 10th	Meath, Patrick G.	21776 25		4355 25		390	4355 55	
same	same	21360			5340 25	410	5340 25	
same	same	17683 75			4420 92	411	1420 92	
same	same	19493 25			4873 81	412	4873 31	
same	same	22804			5701	413	5701	
January 7th	Moseby, James	2238		447 60		283	447 60	
same	same	5175 76		1035 15		479	1035 15	
same	same	730		146		431	146	
April 7th	Murphy, Potter & Freleigh,	80996 25		16299 25		361	16299 25	

April 7th, 1854	McNeil, Henry	6942 61	1041 89			368	1041 89
April 8th	Meadows, Hiram	8833	143 25	575 60		389	718 85
April 6th	O'Kelly, Patrick	19844		3568 80		351	3568 80
July 11th, 1853	O'Neil, John	16991 73		3398 34		102	3398 34
January 6th, 1854.	same	11771		2354 20		290	2354 20
April 7th	same	17878		3575 60		378	3575 60
April 7th, 1853.	Peters, Thomas	31717 63		6343 50		15	6343 50
July 13th	same	63360		12672		68	13000
same	same	36028		8007		69	5000
same	same	13509		2701 90		70	5000
same	same	14080		2816		71	2536 14
same	same	10205 24		2041 04		72	240
same	same	14080		2876		73	5000
same	same	15280		3056		74	18030
same	same	13057		2611 40			
same	same	60124		12024 80			
January 7th, 1854,	same	11977 77		2395 55		262	2395 55
same	same	23132			5783 09	264	5783 09
same	same	18480		12	4620	265	4620
same	same	63360		12672		263	12672
January 9th	same	21461		4292		280	4292
same	same	22000		4400		281	4400
same	same	62500		12500		282	12500
April 10th	same	76032		15206 40		397 and 398	15206 40
same	same	71338 25		14267 65		399 to 402	14267 65
same	same	10270		2054		409	2054
April 5th, 1853,	Phillips, H. A.	5224 70		1044 94		23	1044 94
April 10th, 1854,	same	10885 50		2077		414	2077

STATEMENT A—Contiuued.

Date of allowance.	To whom allowed.	No. of cubic yards of levee received.	Amount of allowance for levee at 15, 20 and 25 cents per cubic yard.			No. of certificate to auditor.	Total am't allowed and certified to auditor.	Remarks.
			at 15 cents.	at 20 cents.	at 25 cents.			
October 4th, 1853,	Peterson, Wm. B.	4228	332	402 80		163	734 80	
January 6th, 1854,	same	137 50		27 45		291	27 45	
October 5th, 1853,	Price & Lee	935	140 25			173	140 25	
April 7th, 1854,	Price, Wm. J.	2640	396			358	396	
October 5th, 1853,	Price, Wm. J.	4004		800 80		172	800 80	
June 20th, 1854,	same	4264 92	639 73			485	639 73	
July 12th, 1853,	Redman, Reuben T.	7018 50		1403 70		53	1403 70	
same	Rice, James	24183		4836 60		65	4836 60	
January 4th, 1854,	same	88676		17735 20		196, 203 & 210	17735 20	
" 7th	same	7700		1540		302 and 303	1540	
April 5th	same	15852 50		3170 40		429 and 335	3170 40	
" 10th	same	50504		10112 80		408	10112 80	
June 20th	same	12754 30		2550 86		476	2550 86	
July 13th, 1853,	Rives, Peter G. Mrs.	9944	1491 60			109	1491 60	
June 21st, 1854,	Robards, Wm.	1017 52		203 54		473	203 54	
July 11th	Smith & Clark	5329		1075 80		83	1075 80	
same	Sexton, Wm.	10925		2005		92	2005	
" 12th	Slavey, A. B.	10226		2045 20		55	2045 20	
" 13th	Sugg, Edgar G.	7320		1464		60	1464	
January 7th, 1854,	same	3074 38		614 87		258	614 87	
July 13th, 1853,	Swayne, Amos	3960		792		59	792	
October 5th	Smith, Mrs. Petyma	3229		645 80		179	645 80	
January 7th, 1854,	Sears, Wm.	6220		1244		278	1244	
June 19th	Saunders, C. W.	4123	618 45			468	618 45	
July 12th	Turner, James D.	9803	524 85	1260 80		38	1785 65	
October 4th	Tarlton, S. B.	2817	432 55			162	432 55	
" 5th,	Tindall, Thomas H.	6127		1075 40		174	1075 40	
June 20th, 1854,	Turner and Hibbard	2433 66		486 66		478	486 66	

July 13th, 1853,	Undereill, George W.	84765 75		16953 15		78	16953 15	
January 7th, 1854,	Underhill & Burgett	9939 75		1987 95		275	1987 95	
same	same	22000			5500	274	5500	
April 5th, 1853,	Williams, E. assignee of T. J. Blackmore,	7051 95		1410 99		11	1410 99	
same	same	6683 95		1336 79		12	1336 79	
July 11th,	Watson, George B. Sen'r	8623	1293 45			95	1293 45	
same	Watson, George B. Jun'r	8811	1321 65			91	1321 65	
January 5th, 1854,	Walker, Frances M.	16778	2516 70			213	2516 70	
same	Walworth, John P.	6117		1223 40		214	1223 40	
January 6th	Williams, James	13298		2659 75		231	2659 75	
same	same	869		179 20		232	179 20	
April 7th	Woodfork, W. W.	49873	8724 85	5008 80		388	8733 15	

RECAPITULATION.

No. of page.	No. of cubic yards levee received and certified to Auditor.	Amount at 15 cents per cubic yard.	Amount at 20 cents per cubic yard.	Amount at 25 cents per cubic yard.	Total amount of the allowances for levees certified to the auditor.
156	216656 48	3450 12	38730 86		43180 98
157	508151 61	4313 15	87213 88		101526 98
158	280615 68	11153 82	42562 45		53716 27
159	365002 35	3166 82	68799 64		71966 46
160	354002 58	2695 86	66708 27		69267 61
161	325957 35	8244 24	54189 03		62433 27
162	602739 48	3993 75	89550 59	32215 48	125759 82
163	744862 57	1184 64	139531 72	10403 09	151119 45
164	307528 76	4575 43	55493 68		60069 11
165	234810 40	8856 15	30760 03	5500	45116 18
	3940327 26	51633 98	683540 10	48118 57	$783156 13

STATEMENT B.

Date of allowance.	To whom allowed.	On what account allowed.					Total am't allowed and certified to the Auditor.	No. of certificate to Auditor.	Remarks.
		No. of cubic y'ds of ditching at 20 cents per yard.	Com'rs, Eng'rs and Secretary's salary.	Locating swamp & overflowed lands.	Services as sub-commissioners.	Office expenses.			
July 13, 1853,	Bailey, Boyd		963				693	93	
Oct. 5,	same		444 75				444 75	177	
Jan. 5, 1854,	same		545 60				545 60	225	
April 12,	same		655 64				655 64	435	
June 22,	same		461 50				461 50	497	
July 14, 1853,	Brownfield, Theron,			62			62	188	
same	Biven, William					27 68	27 68	140	
same	Butts, William E.					48 17	48 17	141	
Jan'y 12, 1854,	same		900				900	312	
same	same					160 17	160 17	313	
April 13,	same		300				300	445	
same	same					73 15	73 15	446	
July 14, 1853,	Biscoe & Smith,					87	87	148	
April 13, 1854,	same					100	100	451	
Jan'y 5,	Brandenburg, Sol. I.				130		130	215	
April 4,	same				46		46	328	
July 13, 1853,	Cleveland & Watson,					21	21	141	
Oct. 4,	same					20	20	161	
Jan'y 6, 1854,	same					15	15	297	
16,	same					15	15	316	
6,	Carrigin & McGuion,	1212					242 40	248	
7,	Craig, Jno. A.	1781					356 20	285	
June 19,	Carroll, D. W.				257		257	466	
20,	Crease Jno. H.					92	92	471	
Jan'y 7,	Donnelly, Patrick.	3206					641 20	269	
April 7, 1853,	Dickinson, Jos. D.		222 21				222 21	7	
Oct. 5,	same		1084 12				1084 12	186	
Jan'y 12, 1354,	same		500				500	309	
April 13,	same		500				500	444	

Jan'y 7, 1854,	Etter, Wm. H.					24	24	272	
April 5,	same					31 50	31 50	349	
June 21,	Embree, Jordan M.	1586 61					317 82	491	
Jan'y 4,	Ferguson Wm. T.	8562					712 40	202	
" 5,	Ford Wm. D.			330			330	212	
June 20,	same			332			332	474	
Jan'y 12,	Flaherty, Thos. J. and Pat.	400					80	308	
July 13,	Gaster, Stephen ass'ne,			1000			1000	123	
same	Garretson, David				68		68	86	
Jan'y 6, 1854,	same				160		160	227	
April 10,	same		250				250	421	
June 22,	same		785				785 14	496	
April 4,	Gaines, W. H.	17898					3579 60	325	
Jan'y 7,	Gilbert Philip E. H.					32 50	32 50	295	
" 12,	Green, Barton				92		92	306	
April 13,	same				68		68	448	
July 11,	Hall, Jno. B.	6953					1390 60	98	
Oct. 4, 1853,	Houghton, Edw'd J.	6380 21					1000	151	
same	Hays, Andrew J.			120			120	152	
same	same			312			312	153	
Jan'y 4, 1854,	same						122	205	
April 10,	Hawkins, Thos.	for culvert					50	318	
" 4,	Hudspeth. H. S.	1288					727 40	322	
July 13, 1853,	Johnson, R. H.					344 13	344 13	110	
Oct. 5,	same					13 50	13 50	171	
July 13,	Jacobi, Henry					75	75	114	
Jan'y 4, 1854,	Jett, Benj. P.					13 50	13 50	104	

STATEMENT B—Continued.

Date of allowance.	To whom allowed.	On what account allowed.					Total am't allowed and certified to the Auditor.	No. of certificate to Auditor.	Remarks.
		No of cubic yd's of ditching, at 20 cents per yard.	Com'rs, Eng'rs and Secretary's salary.	Locating swamp & overflowed lands.	Services as sub-commissioners.	Office expenses.			
Jan'y 6, 1854,	Johnson, Leo. L.	4330					866	288	
April 10,	same	6047					1209 40	404	
" 7,	Jones, Jno. T.	5088 10					1007 62	354	
June 21,	same	3195 65					639 13	488	
" 20,	Kimbraugh, Wm. A.	1319 16					263 83	469	
" 21,	same	430 23					86 06	492	
Jan'y 7,	Knowlton, Miles.				26		26	284	
April 11,	same				64		64	422	
same	Knott, Benedict J.	2585 35					516 67	423	
June 21,	Knight, Jno. E.					60	60	498	
Jan'y 5,	Lewellyn, Jno. R.	for culvert					228	217 to 219	
April 4,	same					240	240	321	
Jan'y 6,	Leach, Finis			60			60	229	
Oct. 4, 1853,	Morgan, Lemon C.			80			80	156	
same	same			257			257	157	
same	same			202			202	158	
April 5, 1854,	same			40			40	329	
July 13, 1853,	Maloney, Robert.				315 93		815 93	142	
Oct. 5,	same				372		272	185	
Jan'y 12, 1854,	same				292		292	314	
April 13,	same				280		280	447	
June 20,	same				286		236	501	
July 13, 1853,	McSheehy John		2683 71				2683 71	85	
Oct. 5,	same		3183				3183	189	
Jan'y 6, 1854,	same		2948				2948	317	

Oct. 5, 1853,	McDaniel, John		1866 47				1866 47	187	
Jan'y 12, 1854,	same		500				500	811	
April 12,	same		500				500	443	
June 22,	same		500				500	500	
Jan'y 7,	Mellon, Thos. J.			80			80	296	
June 21,	Nichols, Wm.	3558 22					781 81	487	467.86 y'ds a 15 cts.
Jan'y 4,	O'Neal John	550					110	207	
April 4,	same	428					85 60	823	
Oct. 5,	Pillow, Gideon J.	3783					646 60	180	
same	Prior, E. L.					56	56	184	
April 5,	same				420		420	344	
Jan'y 6,	Porter & Horner,	2089					417 80	234	
same	Polk, Allen	2560					512 20	292	
Jan'y 7,	Pillow, Deputy & Hubbard	4225					982 50	286	$137 50 for culvert.
Oct. 5, 1853,	Quillen, Daniel	536					107 20	183	
Jan'y 6, 1854,	same	1858					371 60	298	
7,	Robinson, Samuel	9556				249 33	1911 20	299	
July 13, 1853,	Reardon, L. J						249 33	112	
April 5,	same		222 21				222 21	8	
Oct. 6,	same		500				500	188	
Jan'y 12, 1854,	same		500				500	310	
same	same		277 79				277 79	315	
same	same		500				500		
April 12,	same		500				500	442	
Jan'y 22,	same		500				500	499	
" 6,	Rankin, Robert J.	4953				82	990 60	285	
July 14, 1853,	Reardon, Jno. E.						82	125	
April 10, 1854,	Rice, Jameson	495					99	405	
Oct. 4,	Smith & Deputy,	3956					791 20	166	
		18169					3633 80	193	
		2336					467 20	259	

STATEMENT B—Continued.

Date of allowance.	To whom allowed.	On what account allowed.					Total am't allowed and certified to the Auditor.	No. of certificate to the Auditor.	Remarks.
		No of cubic yd's of ditching at 20 cents per yard.	Com'rs, Eng'rs and Secretary's salary.	Locating swamp & overflowed lands.	Services as sub-commissioners.	Office expenses.			
Oct. 4, 1854,	Pike, Albert					1500	1500	191	
" 5, 1853,	Smizer, Jno.	1782					356 40	178	
April 6, 1854,	same	3175 63					635 12	352	
June 20,	same	9472 75					1894 55	477	
same	same	1097 88					219 57	484	
Jan'y 5,	Saunders, Milton				130		130	211	
April 7,	Shultz, Jno. M.				86		86	379	
June 20,	Turner, Jas. D.	1596					319 20	483	
	Thompson, Davis		532 33				532 33	494	
April 10, 1854,	Underwood, Q. K.					59 50	59 50	396	
Oct. 4, 1853,	same					58	58	160	
April 5,	Wilamowicz, James					50	50	14	
July 12,	Wells, W. H.			400			400	43	
Oct. 4,	Welch, Michael G.				100		100	159	
Jan'y 4, 1854,	same				23		24	206	
April 4,	same				102		102	326	

RECAPITULATION.

No. of page.	No. of cubic yd's of ditching received and certified.	Amounts allowed for officers salaries.	Amount allowed for locating swamp and overflowed lands.	Amount allowed for services as subcommissioners.	Office expenses.	Total amount allowed and certified to the Auditor.
168	6199	$ 6806 82	$ 62	$ 433	$ 659 17	$ 8700 79
169	38067 82	1035	2094	388	534 13	12030 45
170	20363 49	8814 71	639	1485 93	300	16056 35
171	41258 69	5866 47	80	420	1887 33	18662 11
172	17124 26	532 33	400	442	167 50	6466 67
	123013 26	$22555 38	$ 3275	$3168 93	$3548 13	$ 62016 37

STATEMENT C.

Date of allowance.	To whom allowed.	On what account certified.	Am't certified to the Auditor.	No. of certif's
March, 1853,	Dillon & Manning,	Levee work,	$ 2035 32	1
same	Walworth, H. F.	“	3781 95	6
24,	Williams, James	“	3334 38	10
do	Williams, E. & J.	“	1301 15	13
do	McGrath, Jno.	“	1666 45	16
do	same	“	3409 57	31
do	Peters, Thomas	“	16350 52	17
do	Meath, Patrick G.	“	5905 12	18
do	Rice, Thomas	“	8335 10	19
do	Baile, Boyd	Balalance on account ass'd,	2550 54	20
do	Miles, James B.	Levee work	1638 00	21
do	Pillow, Jerome B.	“	2482 40	22
do	Sexton, William	Balance on account,	1271 39	24
do	Smith, Jas. ass. Dillingham.	same	574 49	26
	Williams, Joseph P.	same	2452 00	25
	Smith, James S.	Excess of scrip p'd on entry,	110 00	27
March 24,	Thompson. Thomas J.	Levee work,	2919 40	29
do	Brock, Benjamin	Balance due on levee work,	674 61	34
do	Walker, Francis M.	same	683 65	35
do	Worthington, Elisha	Levee work,	1190 05	36
do	Davis, Anthony H.	“	691 19	37
	Dixon, Wm. assignee	“	740 15	40
March 24,	Isabell & Tarter,	“	2343 81	41
do	Reed, George	“	580 ..	48
do	Stewart, Charles G	“	395 ..	49
do	Byers & Chapman,	“	118 75	50
do	Hyner & Sutton,	“	117 47	51
do	Craig. Jno. A.	“	408 56	52
do	Kirkland, J. B. ass. J. Ryon	“	1386 50	54
	Patterson, W. H.	Excess of scrip p'd on entry,	20 ..	56
	Catron. Oliver P.	Balance on account.	17 84	58
	Sugg, Edgar G	Balances due Castleberry & Buckner.	113 41	62
	Daniels, Seth W.	Balances due on his account	848 50	64
	Jones, Wm. J.	same	155 60	66
	Manny, Thomas	same	211 53	67
	Brooks. Wm. P. ass. Peters.	same	4350 42	76
	Green. J. ass. McMullen,	Excess scrip paid on entry,	28 51	77
	Williamson. James M.	Balance due on levee work,	277 57	80
	Ederington James P.	same	73 35	81
	McSheehy John	Balance due as engineer,	932 50	84
	Allison, And'r		85 20	87
Mar. 24 1853.	Knowlton. Miles	Balance due on levee work,	397 21	89
Jan. 6,	Abercrombie, Dr.	same	275 85	90
	McGavock, John	same	47 25	96
Mar. 2, 1853.	Moore, W. F. assigne Bowen & Fearing	same	1141 90	99
	Cherry, Caldwell & Co., ass.	same	6328 60	100
	Malony, R. ass. Wm. Sears.	same	19 33	103
	Buckner, Jno. W.	Scrip paid on illegal entry,	222 39	115
Mar. 26 1853	Bruton. John	Locating agent,	132 27	116
	Byers & Chapman,	Levee work,	59 74	118
	Mitchell, Samuel	Balance due on levee work,	542 24	119
June 5, 1851	Dickerson. David		20 ..	120
	Cross, David C.	Excess paid on entry of land	35 04	121
	Pate, Robert	Locating agent,	46 ..	122
	Ferguson, Wm. T.	Balance due on levee work,	8000 ..	124
	Allis, H. B.	Locating agent,	66 50	126
	Dobbins, Dr.	Balance due on levee work,	45 91	127
	Killiam. Dr.	same	128 88	128
March, 1853	Rose, Wm. W.	same	235 .	129
do	West, David	Bal. due as locating agent,	234 ..	130
do	Rives. Peter G. Mrs.	Levee work,	683 70	131
Jan.	Kimbrough. Wm. A.	same	891 6	132
Ap'l 7, 1852,	Cross Harris		214 34	133

STATEMENT C—Continued.

Date of allowance.	To whom allowed.	On what account certified.	Am't certified to the Auditor.	No. of certif'te
March, 1853,	Fletcher, Thomas	Levee work, balance due	$ 232 46	134
do	Moore, James H	same	896 24	185
do	Bailey, Boyd	Balance due on account,	80 22	186
do	Bowen, Howard	same	236 44	187
do	Slavey, A. B	same	39 59	189
do	Biscoe, H. L	Balance due for office rent,	31 50	148
	Harrison, Wm. D	Locating agent,	140 ..	144
Feb. 1852,	Ringo & Trapnall,	Levee work,	1316 ..	145
	A. L. & N. B. Burrow, ass.	Balance due on levee work,	512 13	146
	Craighead, Thomas B	same	669 04	147
	Douglass, R H	same	571 69	149
	Douglass, A. O	same	19 55	150
	St. Clair & Williams,	same	27 90	154
	Robinson. Samuel	Excess of scrip on entry,	12 ..	155
Jan. 6, 1853,	Adams, W. W	Finishing plats,	118 ..	190
	Harris, Wm. T. O. ass.	Balance due on order to W. T. Ferguson.	30 ..	228
	Gilmore & Garwin,	Balance due on levee work,	22 35	255
	Folbree, C. L.	Bal. due on ord. W. E. Cox.	243 11	300
	Payne, Romulus	Locating agent,	30 ..	301
	Stillwell, ass. of Peters,	Balance due on levee work,	1177 47	304
	Gardiner & Teel,	same	156 43	305
March, 1853.	Miles, James B.	Levee work,	65 80	342
	Brock, Benjamin	Excess paid on illegal entry,	60 ..	437
	John Solesberry,	Excess of scrip p'd on entry,	120 ..	436
	Cox & Dabney,	same	60 ..	438
	Wells, Wm. H.	Locating agent,	64 ..	439
	Ferring, W. ass. of Bowen,	Levee work,	92 19	441
	Fogleman. George S.	Balance due on account,	153 20	452
	Warfield, Wm. P.	same	15 41	453
	Mellon, Thomas J	same	90 06	454
	Lanier, Hetty	same	55 62	455
	Williams, Thomas J	same	20 ..	456
	Jordan. Jno. A	same	11 80	457
	Robbins, Jacob G.	same	13 94	458
	Mathews. Daniel	same	18 71	459
	Hoffman, Jacob	same	35 27	460
	Hoffman, Jesse	same	17 20	461
	Lee. Benjamin W	same	1289 96	564
	Etter, Wm. H.	Scrip paid on illegal entry,	63 96	463
	Shultz, Jno. M.	Balance on account,	190 87	465
	Total amount,		$ 99390 78	

FORT SMITH BRANCH OF THE C. AND F. R. R. CO.

CHIEF ENGINEER'S REPORT.

VAN BUREN, *August 22d*, 1854.

TO THE PRESIDENT AND DIRECTORS OF THE LITTLE ROCK AND FORT SMITH BRANCH OF THE CAIRO AND FULTON RAILTOAD COMPANY.

Gentlemen: Agreeably to your instructions, I have made the examinations and surveys necessary for establishing a route for the contemplated branch of the Cairo and Fulton roilroad, from Little Rock to Fort Smith, and submit for your consideration the following report and estimates, accompanied with maps and profiles, illustrative of the same.

I do not consider it properly the duty of an engineer to enter into any speculative calculations as to the amount of business that may be done on the line of a railroad, or as to what extent the value of property may be enhanced by its introduction, etc. His province extends only to the judicious location, and economical construction, and that duty properly attended to, is quite sufficient to occupy every moment of his time. It is necessary, however, for the engineer to have an idea of the nature of the business that will be required to be done on the road, in order that the gradients may be adapted to it, and the superstructure, rails, etc., etc., should be made sufficiently firm and strong to sustain without injury the weights of such engines and trains as are generally used on roads of a similar character.

I have not been required to make a minute and definite location of the road in all its laborious details, and I do not conceive it at all necessary that such a course should have been taken or required under existing circumstances.

The location of the route is, it is presumed, all that can be required, for the purpose of availing of the munificent grant of land which has been made by the general government.

This has been effected by the survey which has been executed under the instructions I have received from your honorable body. The line of final location for a great portion of the distance, will be coincident with the route designated, and will not vary from it at any point sufficient to effect the validity of the attachment of the land under the act of Congress.

The gradients have been determined by the topographical features of the ground on which the survey has actually been made, and the estimates for grading have been based upon the nature and character of the soil on the line of survey. The line may be shortened, the gradients in many places reduced, and the amounts of excavation and embankment diminished, by a judicious location under the direction of a skilful engineer.

In fixing the prices on all parts of the work to be done on the line of the road, a very liberal allowance has been made for the difficulty, which, I apprehend will be found in procuring laborers. The estimates therefore may be considered high.

In forming estimates for all parts of the road, particular care has been taken to guard against the delusion too generally indulged in, that a railroad is completed when it is in a condition for the transit of an engine and train of cars, without reference to the dimensions, and stability of all the details necessary for durability.

The practice of making estimates which are calculated only to cover the first cost of a road, constructed in such a manner as merely to suit a temporary purpose of this nature, leads to serious evils, and it is too generally the case, that the cost of maintenance, repairs, etc., for the first few years, of a road thus injudiciously constructed, far exceeds the gross income.

Provisions are made in the estimate for graduation, masonry, and bridging for a road with single track, with the necessary sidelings, and turn-outs, etc. The surface width of embankment to be fourteen feet. The surface width of road when side cutting only is necessary, to be fifteen feet, and in through cuts the surface width to be twenty feet. Spaces for side ditching is included in the surface widths of the cuts.

The dimensions and plans of bridges, as also the character of masonry for abutments and piers for the same, will vary according to the extent and nature of the structure.

The estimates furnished herewith are calculated for wooden bridges of the most approved plans.

Experience has conclusively shown the necessity for using iron rails of sufficient dimensions and weight, to sustain firmly and without yielding, the weight and momentum of heavy locomotives; and experience has also proved the economy of using heavy locomotives, in preference to increasing the number of light ones, when either the business, or the gradients of the road require extra power.

It is not supposed, however, that your road will ever become a thoroughfare, or link connecting the extremes of any extensive line of railroad. It is presumed that it may, at least for a long period, be considered a local road, and an inference may be drawn, that it will not require a superstructure calculated for engines of the maximum weight. The estimate provides, therefore, for an iron rail of the T form, which will weigh 60 lbs. to the yard, supported on cross ties of suitable dimensions, at intervals of two feet, (or 2640 per mile,) which will fully answer all the purposes.

It is highly important that the road should be well ballasted; a great part of which is frequently done after the road has been put into operation, and is often improperly omitted in estimating the expense of construction. The object of ballasting is to make the superstructure more firm, and to prevent the action of frost on the cross ties and rails, which latter, in northern latitudes makes it necessary to ballast to the depth of several feet.

The ballasting consists in the formation of a bed of gravel or broken stone to the required depth under the sleepers or cross ties, and filling the interstices between them. The effect of frost being quite superficial in this latitude, ballasting but one foot in depth is provided for on the whole extent of the line, though in many parts the nature of the material in the excavations and embankments, may make the extra expense of ballasting unnecessary.

In determining the gradients upon a railroad, it is important that a due regard should be paid to the cost of construction, and it is a nice point to decide how much one should yield to the other. Where there is a continuous ascent, extending far beyond a point at which the momentum acquired by a train of cars, on approaching it would cease to act, unaided by any other propelling power, where the quantity of propelling force acquired by the velocity of the train, could at all times be known,—and where an engine would generally be taxed to the full amount of its power, a very correct estimate might be made of the prejudicial effects of such ascent, and it would be an easy matter to determine what sacrifice of expense should be made in the construction to avoid or reduce it.

It is a well established fact that all ascents require additional power, but it is problematical, whether the additional power, which would, or might be brought into action on an undulating road of short grades, within certain limits, would be attended with such additional cost, as would warrant an extravagant expenditure in the construction for the purpose of reducing the gradients.

The steep gradients on this road are all of them short, which fact, taken into consideration in connection with the recent improvements made in the construction of locomotive engines for ascending steep grades, induces me to adopt the short steep grades, rather than reduce them by expensive excavations and embankments. No gradient on the line of road exceeds 77 feet per mile, and by an inspection of the summary table of gradients it will be perceived that the high gradiednts are of inconsiderable extent.

Another very important feature in a railroad is the curvature. It has been found by a series of experiments on the Baltimore and Ohio railroad, that on a curvature of 400 feet radius, it requires fifty per cent. more power to move a given load, than it does to move the same load on a straight line, both being horizontal; and that generally the resistance is inversely as the radius; consequently if a load required a force of 10 lbs. to move it on a straight line, it would require 15 lbs. on a radius of 400 feet, 13.3 lbs. on a radius of 600 feet, and 11.4 lbs. on a radius of 1,433 feet. This shows the importance of having a road as nearly straight as possible, but when the radius of curvature is very great, the resistance becomes inconsiderable, and I am inclined to believe that the wear and tear of an engine and cars passing over a curve of 12,000 or 15,000 feet radius, would not be greater than it would be in passing over the same extent of road on a straight line. The oscillatory action of the cars would cease, on account of the action of the centrifugal force, and the motion be much more agreeable to passengers.

Other objections, however, exist to curvatures, and when they are made on short radii, they become very dangerous, particularly on steep gradients, or where hills intervene to obstruct the view between the two extremes of the curves.

The necessity will not exist on the entire line of this road, (provided the southern route is adopted) to use radii less than 1,433 feet, and there are but few instances where it will be necessary to use a radius of less than half a mile.

The estimates for crossing the bottom lands of the most important water courses on the line of the road, provide for the formation of embankments, which though they may in some instances, be attended with a little more expense than structures of trestle work, will be found more economical in the end, and far more durable. The inundations or submersions of the flat lands adjacent to the principal streams, are caused by the back waters of the Arkansas, in which very little, if any current exists, consequently, no vent in addition to that afforded by the bridges which span the streams, will be required for the influx of water on the rise of the Arkansas, or its refluent course, when the Arkansas subsides.

The number of station houses, depots, etc., and the sites for the same, must be determined by the nature and extent of the business to be done on the road. They should be sufficiently capacious, and also be substantial and neat in their structure, without sacrifice to ornamental design. The sites may in general be selected from the lands belonging to the company, or may be obtained at very little cost. It is presumed also that the right of way for the entire length of the road, will generally be granted, free of expense, by the owners of the land on the route, or that the cost for obtaining it will be inconsiderable, as it will not be necessary to destroy or interfere with any building or improvement, except in the town of Van Buren, where it is possible it may be found expedient to remove some small tenements, or render useless some portions of building lots.

To guard against accidents, which otherwise would be of frequent occurrence, and probably attended with fatal and serious consequences, it is proper that the track should be protected from the intrusion of horses, cattle, etc. The road should therefore be enclosed with good and substantial fences from one extreme to the other, and cattle guards constructed, wherever the crossing of a road or other circumstances will make it necessary. The estimate for construction will consequently provide for a post and rail fence of three rails on the whole line, with the requisite number of cattle guards, or walled ditches, at road crossings.

The estimate for the number of engines, cars, workshops, machinery, etc., must be governed by an hypothesis of the amount and nature of the work to be done on the road. It is important that the estimate should not be an extravagant one, that an unnecessary expenditure of capital may be avoided in the first outfit. As the amount of business increases, the necessity for increasing the rolling stock will be pro rata, and so will consequently be the profits. It matters not, therefore, in forming the original estimate, how much more may be subsequently required, provided the first estimate will furnish what is necessary for present purposes.

My estimate under this head, consequently provides for what I consider will be necessary in the first outfit.

In making the surveys for a route for your road, I have been governed by the principles which have long been established in the construction of railroads. The route which I have adopted, therefore, in my opinion, approaches in its combination of features, nearer to a direct and level line, than any other which could be selected.

Extensive surveys have been made, and numerous lines have been run, for the purpose of establishing an approximate location of a route for your road, and that section of country which must be traversed by a route contemplated to pass in the immediate vicinity of Clarksville and Dover, has been examined with the utmost care and attention; wherever there existed a possibility that a route on this section would be found practicable, an accurate and minute survey has been made, but great obstacles were encountered on each, and difficulties of a more serious nature presented than have elsewhere been found to exist on the entire line of the road. The results, therefore, of the most careful surveys, have established the facts, that by adopting this route the road would be increased in length three miles and 660 feet—gradients of 100 to 130 feet per mile, would in several places be indipensable,—curvatures of radii, of less than 600 feet at several points, be absolutely necessary,—and the aggregate ascent and descent of the gradients on this route would exceed that of the other by 420 feet. The two tables of distances and gradients on the 2d division exemplify the comparative merits of the two routes.

Considering all other things equal, in a comparison with the southern line, either of these unavoidable objections would condemn the Dover route, and when the whole are taken into consideration there is nothing conceivable which could make it either necessary or expedient to adopt it. I have nevertheless made an estimate of the cost of construction, which together with the gradients and curvatures are submitted in the annexed tables.

The primary object of the survey was to establish the location from Fort Smith direct to Little Rock, and with this purpose in view the survey was extended to the Illinois bayou near its confluence with the Arkansas. But on receiving instructions to make a detour, with a view of passing in the vicinity of Clarksville and Dover, the survey on the first route was discontinued for the time, and surveys were made to conform to my instructions. In the mean time the survey for a location of a road from Fort Smith to Little Rock, extending on the south side of the Arkansas to Dardanelle, and there croping to a point on the north side, about 6 miles below the mouth of Illinois bayou, had been made under the immediate direction of R. L. Hunter, esq., an experienced and skillful engineer, and his party was operating in advance of mine.

It was presumed on my part, until my line had been extended to the Cadron, that our lines of survey would necessarily form a connection before they terminated at Little Rock; and that a continuation of the operations of either one or the other party, would become superfluous for the remaining portion of the route, as a concert of action would unquestionably have taken place. I was disappointed however in my expectations, as the deflection in my route towards Dover, made it necessary for me to cross the Cadron about two miles north of the point at which Mr. Hunter crossed, and, as it was considered important to ascertain the practicability of forming a connection with the Cairo and Fulton line, at a point which would enable the company to avoid some 25 or 30 miles extra railroad transportation, in the conveyance of passengers and freight, between Fort Smith and the Mississippi and Ohio rivers, (should it be deemed advisable to do so), I continued the survey so as to intersect the Cairo and Fulton survey; in the valley of Cypress creek.

I have had opportunities which I availed of, to examine critically a great part of the line surveyed by Mr. Hunter, which embraced the most difficult portions of his route from the crossing of the Arkansas to Little Rock, and from my knowledge of the features of the country, I can form a very correct idea of the remaining portion. His route has been judiciously selected, and I could not see where it could be improved. Under these circumstances, it would I presume, have been an act of supererogation to resurvey the same line, and all which appeared necessary to establish the route from Fort Smith, via Van Buren to Little Rock, was to survey the line from Illinois bayou, to connect with Mr. Hunter's line on the north side of the Arkansas.

This has been accomplished, and Mr. Hunter has kindly furnished me with the trace of his location, thence to its terminus, which will be found on the accompanying map. His estimate of cost of construction will, of course, have full as much weight as any I could have furnished, had the survey been made under my personal supervision.

The extent of available means which can be applied to the construction of a railroad must be duly considered, and necessarily will have great weight in establishing the character of the road. It must be conceded that a very imperfect railroad, can be very effective, and useful in a high degree, in the transportation of freight and passengers; and such a road might pay an annual profit to the stockholders far beyond the usual rate of interest, yet it might have been made more perfect and profitable, had it not been found impracticable at its origin to have raised the means to accomplish it.

These considerations, I think are applicable in the present instance; and have had much weight with me in establishing the gradients on your road. Those adopted can all be effected without excavation or embankment to an excessive extent, and the road consequently can be made very efficient at a moderate expense.

Although the gradients on many of the most important railroads in the United States exceed those adopted on this, I yet consider the high grades its most objectionable feature, and would reduce them if the means should be available.

In establishing the grades on all lands subject to overflow of the Arkansas, special care has been taken to place the surface of the road beyond the reach of high water, and the elevation the water attained in the freshet of 1833, has been considered the maximum.

The lines which have been surveyed for your road are established on the ground by blazes on the trees,—stakes placed at intervals of 200 feet—and permanent bench marks on trees at intervals of 10,000 feet, to which references have been made on the field note books, of the level and compass.

Wherever it has been found practicable, notes of reference have been taken to township and section corners, and the crossing of township and section lines, also duly noted. So that the location has been established with regard to townships and sections, as near as the imperfect surveys of the land would admit.

The survey was commenced at the corner of Lafayette street, on the east boundary line of the town of Fort Smith, on the land of Samuel L. Griffith, who gratuitously offered to the company a lot of ground 300 feet in length and 300 feet in width for a station house and depot.

From the point of commencement the route takes a direct course to a point on the right bank of the Arkansas, a little west of the house of W. Garrett, from whence it crosses the river in the same direct line, and strikes the left bank a short distance above the old mill, where a very favorable site is offered for a bridge.

From Fort Smith to the Arkansas river, no obstacle occurs which makes it necessary, or would induce me to deviate from a perfectly straight line; and the excavations necessary for grading the road will be of the most simple nature. Probably some small portions of slate rock may be encountered.

The bridge for crossing the river, will be far the most important and expensive structure on the line of the road. The principal structure, or that part which will extend from bank to bank, will be 1500 feet in length; this will be divided into 10 spans of 136 feet each, and a double swing or balance draw, which will occupy a space of 140 feet. It is contemplated to place but one span of 136 feet between the draw and the abutment on the left bank. The centre of the pier on which the draw will be balanced, and make its revolutions, will then be 206 feet from the abutment; and the openings or passage ways on each side of this pier, will be where the channel of the river is deepest, and in all probability will remain so. The bridge will be 18 feet wide from out to out. The top of the pier for the draw will be circular, and of a diameter corresponding with the width of the bridge. On this pier the draw will revolve by means of a turning table, and when open, will afford two passage ways for boats, etc., of sixty feet each.

It is contemplated to build the piers and abutments of the best range masonry, and material for that purpose of excellent quality, is to be found in inexhaustible quantities in the immediate vicinity.

The bridge will be elevated sufficiently to secure it against accidents, which might be occasioned by high water and drift—and ample provision is made in the estimare for sinking the bases of the abutments and piers, to a sufficient depth, to insure their stability and permanency.

To guard against injurious effects which might be occasioned by a recurrence of such freshets, as those of 1833 and 1844, it would be proper to give more vent to the water, by constructing about 600 or 800 feet of the road on trestle work on the lowest ground, near the second bank, and about one fourth of a mile from the S. W. end of the proposed bridge.

At the N. E. end of the bridge, it will be necessary to make a very short curve on a radius of 410 feet. This curve will be but 400 feet in length, and it is the only instance in which a curve of a radius less than a fourth of a mile, must necessarily occur on the entire route. At this place, situated as it is, so near the end of a bridge with a draw, and within the town of Van Buren, no engine under any circumstances, would be permitted to move with immoderate speed. The curvature therefore will cause no serious inconvenience.

The whole extent of country traversed by the route from Van Buren to the left bank of the Arkansas, opposite Little Rock, in its general aspect, is very undulating, and a great portion of it is hilly and mountainous. The many streams of important magnitude which flow into the Arkansas, and the numerous tributaries of these streams, with their intermediate dividing ridges, which must unavoidably be crossed by the line of the road; give to the profile the appearance of a continued series of ascents and descents.

High rocky bluffs and mountainous ridges, appear in the immediate vicinity of the river for a great portion of the distance. In numerous instances the bluffs extend to the brink of the stream, and occasionally cliffs of rock jut into the river.

Ridges and bluffs of this nature occur in the vicinity of Ozark, where the river first flowing north, makes a semicircular bend to a south course. Although the river at this point is more than 15 miles north of a direct line from Van Buren to Little Rock, it was thought expedient to make examinations and surveys, still further north, for the purpose of ascertaining the practicability of passing round this bend without being compelled to follow the sinuosities of the river, which would necessarily increase the length of the road.

Numerous lines were, consequently, surveyed, and this section of the country thoroughly examined; but no practicable route could be fond. The ridges dividing between Mulberry and White Oak, and between White Oak and Horse Head creeks, were found at the points of greatest depression to be respectively 174 feet, and 397 feet more elevated than the point of starting at Fort Smith; and would require gradients which would be inadmissible to overcome them. The routes too, necessary to attain these depressions, were found to be quite as tortuous, as that, following the bend of the river at Ozark.

The high ridge which lies contiguous to the river between the mouth of White Oak creek and Mulberry river, and the overflowed bottom lands on the west of Mulberry, make it necessary to cross Big Mulberry, about one third of a mile south of Gen. Miller's, where there is a very good site for a bridge.

In designating the route, I shall make use of locations and section corners, as points of reference generally; so that the courses, distances, etc., will be better understood on referring to the map.

From the eastern boundary line of Van Buren, the route surveyed, takes a course N. 69 E., to section 31, township 10, range 29, crossing Big Frog bayou, near the middle of the eastern boundary of section 12, township 9, range 31.

The line of location would take a course of N. 71 E. and would pass about a quarter of a mile south of the point at which the survey crossed Big Frog bayou; and in section 8, township 10, range 30, it would, by a gentle curvature, take a course thence to the N. E. quarter of section 34, township 10, range 29, where it will cross Little Mulberry, thence by a curve of a radius of 11460 feet, it will cross Big Mulberry in the N. E. quarter of section 35, township 10, range 29, the point at which the survey crossed.

In order that the character of the route, and the sections of the country through which it passes, may be the better comprehended, I will take it up in subdivisions, and endeavor to give a perspicuous description of each.

The first subdivision, will extend to the valley of Little Mulberry creek, 22 miles from the point of commencement at Fort Smith.

The section of country traversed by the route between the town of Van Buren and Little Mulberry, is very undulating; Flat Rock creek, Big and Little Frog bayous, and numerous small tributaries to these streams, must necessarily be crossed, and although none of the hills have an elevation of more than 78 feet above the starting point at Fort Smith, the depressions in the valleys of the streams intervening, make it necessary, in a few instances to use gradients of 68 feet to 77 feet per mile, for short distances. These gradients occur in crossing the dividing ridges between Flat Rock creek and Frog bayou, and between Little Frog bayou and Little Mulberry, where comparatively heavy excavations and embankments will be required. It must be borne in mind, however, that the gradients here have been established on the line actually surveyed, and the calculations for excavations and embankments, are also predicated on the same data. Whilst at the same time, I feel perfectly confident that the gradients can be reduced, and the amounts of excavation and embankment diminished on the line of location, this method of calculation for gradients and cost of construction has been invariably adopted by me, where there could exist a doubt, and is done to guard against the possibility of presenting estimates that might fall short of the actual cost.

Wherever the line of location increases or shortens the length of the road, it will be taken into consideration in the estimate, as the differences can be arrived at with accuracy.

The most feasible route for passing through the town of Van Buren, or that on which the most facilities are afforded by nature, is the one on which the line of survey was first run, and which is traced on the map. This, after making the curve at the N.E. end of the contemplated bridge, would pass round to the point of the hill on which the house of Col. Drennen stands, and skirt the improved part of the town, occupying the ground near the base of the slopes of the hills, cross main street near the original town boundary, and thence in a course about N. 70.44 E., extend to the town boundary on the east, passing a little south of the barn and stables of John Bostick, esq.

The location of a railroad route through a town near the terminus of a road, or intermediate between the termini, is influenced by so many circumstances, and there are so many conflicting interests generally brought to bear upon the matter, that it is impossible to say where it should be established, until the project is fully matured, and the subject in all its bearing, satisfactorily discussed.

It is sufficient in the present state of this enterprise to know that the road can be located through the town, so as to interfere with no improvements of a valuable charater, and that the cost of construction will be inconsiderable.

The quantity of excavation, embankment and bridging, necessary for grading the road, together with the cost of the superstructure, is all that will be included in the estimate of cost of construction for the portion of the first subdivision which lies within the town boundaries.

The nature and character of the ground over which this subdivision extends, is such as leads to no apprehension, that the grading will be very expensive, as very little, if any fixed rock will be encountered, though in many places the excavations will be made in material of a hard and compact nature.

Besides the bridge necessary for crossing the Arkansas, there will be required for Flat Rock creek a bridge of 40 feet span; for Frog bayou, one of two spans of 80 feet each; for Little Frog bayou one of 60 feet span, and for Little Mulberry, one of 140 feet span. Numerous open and covered culverts will also be required for the smaller streams.

The masonry for the abutments and piers of all the important bridges on the line, will be of range work, as material of a suitable nature, which will require very little dressing, can generally be found at hand.

The masonry for culverts, sustaining walls, cattle guards, etc., will be of range or rubble work, according to the nature and magnitude of the structure, and to the facilities which may exist for procuring the materials.

On this subdivision there will be a large portion of culvert masonry necessary, on account of the number of culverts and the heights of embankments, where the culverts will be required.

Suitable stone can be found in the vicinity of the route at all points on this subdivision, both for bride and culvert masonry.

The timber, which is abundant, consists generally of white, red, black and post oak, black and post oak predominate, and of the latter, a supply of cross ties can be readily procured.

Clearing will be necessary on nearly the whole extent of the subdivision, and on a considerable portion grubbing will be necessary also.

It is proposed to cut down all trees within fifty feet of the centre line of the road, and to grub up and clear away all stumps on the road bed, where the grade of the road is sufficiently near the natural surface of the ground to make it necessary.

Subdivision 2d extends 19 miles, and terminates in section 17, township 9, range 26.

From the valley of Mulberry, the route curves on a radius of 11,460 feet until it crosses Big Mulberry, whence, by curves of very large radius, and connecting straight lines, in a course south of east, it passes in a great depression, over the ridge, dividing between Mulberry and White Oak creeks, and crosses White Oak creek about 350 yards above its mouth. It thence continues at or near the foot of the bluffs, conforming nearly to the meanderings of the Arkansas river, to the termination of the division.

The dividing ridge between the two branches of Mulberry, is elevated about 50 feet above the valleys of the two streams, and makes gradients of 43 and 50 feet, per mile for short distances necessary. Big Mulberry will be crossed at a point where an island occurs, which will facilitate in a great degree the construction of a bridge.

The depression in the ridge, dividing between Mulberry and White Oak, at the most favorable place for crossing it, is 104 feet higher than the grade line at Mulberry: this would be reduced by cutting 14 feet, and the ascent and descent overcome by gradients of 72 feet per mile. The line in the vicinity of the summit passes near the house of Joseph Snodgrass in the N. E. quarter of section 5, township 9, range 28.

The greatest depression in the ridge dividing between the waters of Mulberry and White Oak, on the various lines run, with a view (as before mentioned), of avoiding the curvature of the river route; was found to be 126 feet higher than the point at which the line of location crosses; besides which, there would be an additional summit betwen the two branches of White Oak, which would require gradients of 100 feet per mile to overcome.

The course of White Oak creek, flowing as it does, for twelve or fourteen miles before it reaches the Arkansas, in a direction almost precisely opposite to that of the river, is indicative of the formation of the country, which intervenes between the two streams,—the aspect of which is bold, mountainous, and very broken, affording no practicable passage way for a road over it at any point intermediate between the survey first made, and the line of location. The route must, therefore, necessarily take the course of the river; and after crossing White Oak creek, occupy the ground at or near the foot of the slopes of the bluffs, at a sufficient elevation to be out of reach of the highest freshets; and the location has been made to conform thereto, by a succession of straight lines, and curves of unexceptionable radii.

In the valleys of Little and Big Mulberry, embankments will be necessary on account of the backwater from the freshets of the Arkansas, which, in 1833, covered the bottoms to the depth of two or three feet. The excavations on the ridge between the two branches, will consist principally of compact gravel and clay, and possibly some loose rock.

No heavy excavation or embankment will occur between Mulberry and White Oak, but a considerable portion of rock will be encountered in the cuts on the dividing ridge. The remaining portion of the excavations will be loose gravel, compact gravel and clay.

From White Oak creek to the end of the subdivision, there will be, in general, a succession of embankments and side cuttings, but at several points, through cuts will be necessary, and in some places sustaining walls will be required. The embankments occur where earth can readily be procured from the ground, on one or both sides of the road.

In the side cuttings generally, and in all the through cuts, along the base of the bluffs, rock will be encountered, but with the exception of three or four points, it will be in loose and detached fragments, most of which may be removed without blasting.

The most prominent feature in this subdivision is a large mass of solid rock, which juts out into the stream a short distance above Ozark. It is immediately in the line of location, and cannot be avoided. Its highest peak is sixty feet above grade, and presents at first view what might be supposed a very formidable obstacle to the construction or grading of the road. It is however in a most convenient position to be removed with the aid of gun powder judiciously applied, and at an inconsiderable expense.

From Ozark the location will be established on a bench of land intervening between the base of the slopes of the hills, and the immediate bank of the river, until it reaches section 18, township 9, range 26, where it diverges from the river, and passes over the point of a low rocky spur, to the valley of Pond creek, in section 17, where the second subdivision terminates.

The principal streams crossed in this subdivision are Big Mulberry, White Oak, Gar and Hicks' creek, and a slough or branch of Big Mulberry.

Big Mulberry would require a bridge with three spans of a 150 feet each, the slough, one of 75 feet, and White Oak, one of 120 feet span. Gar and Hicks' creek, might be united a short distance above their intersection with the line of the road, as nothing but a narrow bank of alluvial earth separates them. One bridge of 150 feet span would then answer for the passage of the water from both streams. Several bridges of smaller dimensions and numerous culverts will be required.

Sandstone of a very superior quality, which indurates by exposure to the atmosphere, can be found in rectangular prismatic masses, contiguous to the route on every portion of this section. The abutments and walls for bridges, culverts, sustaining walls, etc., can therefore be constructed of the best order of masonry at a moderate expense.

The timber on this subdivision consists of post and black oak, cotton wood, gum, hackberry, and other varieties of large growth.

Subdivision 3d extends 154 miles, and terminates in section 15, township 9, range 24.

To avoid crossing the hills, which, though receding from the river, continue in a southerly direction, presenting obstacles too formidable for a railroad, it was found necessary to ascend gradually on their slopes in a direction S. 19 E. for about a mile and a half to the southern portion of section 20, where the line curves to a due east course, passing over an undulating surface of prairie and timber land, and crossing numerous small branches to section 20, township 9, range 25. It then curves in a direction north of east, to strike a favorite point for descending to the valley of Horse Head creek, which stream is crossed in the N. E. corner of section 24, township 9, range 25, from whence the line takes a course to the S. E. quarter of section 15, township 9, range 24, where the division terminates.

The line in this division varies very little from a straight course for nearly 12 miles, and the curves are of a large radii. In the first 9 miles very little rock will be encountered in the excavations, and the grading in general will not be heavy. In the next 2 miles the descent from the table land to the valley of Horse Head creek will be effected, in the grading of which a considerable portion of rock will be encountered though much of it will occur in the side cuttings. Horse Head creek will be crossed by a bsidge of 130 feet in length. The valley of the creek is inundated by the great freshets of the Arkansas, and an embankment of a mile in length, of 4 to 10 feet elevation will be necessary to guard against their effects. About one mile east of Horse Head creek, a spur of a hill protrudes itself, which it is necessary to cross to avoid curvatures, where the excavation will be considerable, but on the remaining portion the work will be very light.

After crossing Horse Head creek the deflection north of east becomes necessary to avoid the more extensive overflows in the bottom, and also to shun the hills which occur on the south of the line in sections 22, 23 and 24 of township 9, range 24.

In addition to the bridge of 130 feet for crossing Horse Head, one bridge of 75 and one of 35 feet will be necessary, besides numerous open and covered culverts for crossing the minor streams.

The timber and stone on this subdivision is similar to that on subdivision 2d.

As the different gradients, radii of curvature, quantities of excavation and embankment, and the extent of clearing and grubbing on each section of the line, are specifically represented in the appended tables, which have been with much care prepared for the purpose, I do not consider it necessary to mention them in detail in the description of the line.

Subdivision 4th extends 13¾ miles, and terminates on the right bank of Piney creek, near its mouth, in the S.W. quarter of section 15, township 8, range 22.

The general course of the river on this division, with the exception of the great bend between the town of Pittsburg and the mouth of Piney creek, approximates nearly to the proper and most direct route for the road, and the features of the country adjacent to the river, would prevent any deflection from it except at the crossing of the bend above mentioned.

From the end of the 3d division the route curves to the south, leaving the town of Spadra between it and the river, and crosses Spadra creek near its mouth, where the banks of the creek are very high and above the usual freshets of the river.

Immediately below the mouth of Spadra creek there is a bluff of about one-fourth of a mile in extent, and elevated in places about 25 feet above the highest freshets. From the termination of this bluff there is a broad expanse of bottom land, extending along the river for upwards of 4 miles, where it is abruptly terminated by the high, bold and rocky cliffs above Pittsburg.

As this bottom land has been inundated by the very high freshets of the Arkansas, it was deemed expedient to run an experimental line near the base of the hills to avoid the overflow, but it was found that this would increase the length of the road nearly one mile, and that the cost of grading would not be much reduced. The line of location will therefore extend directly across the bottom, upon which a very liberal estimate for filling has been predicated on data from the high water marks left on the trees.

At the eastern extremity of this embankment, the line crosses Cabin creek, and after crossing another small branch, passes over a rocky cliff, similar in nature, though not as extensive as the cliff at Ozark. It then follows the margin of the river to section 1, township 8, range 23, on the farm of J. Morland, where it curves to the east, and passes over a depression in the neck of land which extends into the bend of the river above mentioned. It continues thence in a S.E. course along the valley of Prairie creek to the termination of the subdivision near the confluence of Prairie creek with Piney.

The depression through which the line passes in crossing the bend below Pittsburg is, at the summit, but sixty-six feet above the level of the freshets of 1833, and is passed by short grades of 67 feet per mile on the west, and 58 feet per mile on the east.

Spadra creek will require a bridge of 150 feet span, and Cabin creek one of 40 feet. The numerous smaller streams will be crossed by open and covered culverts.

The materials for construction in masonry and wood work are abundant and of fine quality.

On the bottom land between Spadra creek and Pittsburg there is a very extensive growth of large aud superior red cedar, which would afford a supply of cross-ties of the best quality for a great portion of the division.

Subdivision 5th extends 13¾ miles to the junction with the line surveyed for the Arkansas Pacific railroad, by R. L. Hunter, esq., and terminates in section 29, township 7, range 20.

The course of the Arkansas in this division is also in a direction most favorable for the road, and the line follows its immediate bank for a great portion of the distance.

From the mouth of Piney, for a distance of about two miles, the bank of the river is bluff, bold and rocky. The hills recede gradually for a portion of the distance, whilst on other portions, they come boldly up to the brink of the stream, and terminate in perpendicular cliffs of rock.

The line ascends by an easy grade for half a mile from the mouth of Piney to the top of the cliffs, and continues along the very edge of the precipice until it descends gently along the slopes of the hills to the bottom land near Scotia. The elevation of the summit is forty feet above high water of 1833.

Where the line necessarily becomes coincident with the edge of the cliffs, the face of the cliff is nearly straight, so that it will be only necessary in grading, to throw off the top rocks to the proper level. The rock lies in tabular masses and of rectangular shape near the tops, and along the faces of the cliffs, and most of it can be removed without blasting.

Three chasms or breaks in the cliffs occur, which it will be necessary to cross by bridges and trestle work.

From the Scotia to the Illinois bayou, there is an extensive bottom with a second bank, elevated for nearly the whole distance above the level of the highest freshets of the river, and on this second bank the line has been located for a distance of four miles, the grade line and the surface of the ground being almost coincident for a great portion of the distance. The route then crosses May's spring branch, and for a short distance follows the foot of the bluffs, whence it again extends across the bottom land to Illinois bayou, which stream it crosses near its mouth, in section 3, township 7, range 21, and from thence continues over the bottom land, and at the foot of the slopes of the hills to the end of the subdivision, leaving Norristown between the line of the road and the river.

Between Piney and Illinois bayou, there is a thick growth of pine of a fine quality on all the upland. The varieties of oak and other timber are also abundant.

Piney creek will require a bridge of 250 feet span, and Illinois bayou one of 240 feet; both of these streams are crossed diagonally. The chasms in the cliffs below Piney creek will be crossed by bridges of 100 feet span each, over the top strings of which the road will pass. The remaining portions of the chasms will be crossed on trestle work, all of which, together with the bridges, culverts, etc., for the minor streams are included in the table of estimates.

On the entire length of the line from Fort Smith to Norristown, the materials which will be found in all the excavations, are of the best quality for the construction of a railroad of the most permanent character, and although provision will be made in the estimate for ballasting the entire length of the road, it is believed that the expense of procuring and hauling ballast for that portion of it where cutting occurs, will be found unnecessary.

In many places where the excavations will be deep, the road bed will be formed on argillaceous slate rock, which occurs in most of the minor ridges crossed by the road, at depths of 6 to 20 feet from the surface; and frequently where the slate rock occurs beneath the surface of the ground, is covered with fragments of sand stone.

There is no portion of the road on which the work would be of a character to protract the codstruction to an unusual time. In the course of construction, all parts of it might progress simultaneously, and by availing of the proper season for building the abutments and piers of the bridges, the masonry of the same might be completed at prices considerably within the estimated cost.

The sandstone which appears on the surface at intervals along and adjacent to the line on every section of the road, is of a very superior quality, and requires little dressing or trimming to make it suitable for masonry of the best character. In many places it is to be found in tabular masses of all sizes, perfectly smooth on each face, with rectangular ends and sides, forming perfect rectangular prisms, the edges of which, though having been exposed to the action of the atmosphere for ages, remain sharp and uninjured.

The total length of this line, from Fort Smith to the junction with the line surveyed for the Arkansas Pacific railroad, is 83 miles 4,165 feet; and from thence to Little Rock, agreeably to the survey of R. L. Hunter, 71 miles 1,667 feet. Total distance to Little Rock, 155 miles 552 feet.

The route via Russelville to the Cairo and Fulton line, deflects from the line of location at the end of the bluffs below Piney creek, and near Scotia post office, in the S. W. quarter of section 24, township 8, range 22.

The first division of this line embraces subdivisions 1st, 2d and 3d of the line of location, and has been described under those heads. The second division embraces subdivision 4th, and two miles of subdivision 5th, of the line of location, and extends to the left bank of Point Remove creek—the length of the division being 47¾ miles.

The ranges of hills, which in many place on this division assume a mountainous aspect, run nearly east and west, and the ridges, which are broken at intervals by the valleys of the large streams, appear in some instances like isolated mountains. The valleys of the tributaries, which must be availed of for the passage of the road, have generally an east and west direction, and in some places are wide and extensive.

From the point of deflection from the line of location the route takes nearly a due east course, passing over a very undulating surface, crossing the head waters of May's spring branch, until it reaches the summit at the head of Lick branch, in the south half of section 21, township 8, range 21, where it curves to the south-east, and follows the valley of Lick branch to Illinois bayou, which stream it crosses just below a remarkable bend in the south west quarter of section 25.

There will be an alternation of deep excavations and embankments in the first two miles of the ascent to the summit of the head of Lick branch, which the line crosses, at an elevation of 70 feet above the high freshets of the Arkansas, from whence the work will be light until it reaches Illinois bayou, which will be crossed by a bridge of 200 feet in length.

From Illinois Bayou the line curves again to the east, to avoid the hills which bound the valley on the south, and lie between it and the Arkansas. It then curves gently to the south-east, and passes through the north-east quarter of section 36, township 8, range 31. It continues thence over the spurs of elevated ground near the base of the hills, to avoid the overflowed bottom of the bayou, to the north-east quarter of section 6, township 7, range 20, from whence it takes a course towards Russelville. Leaving the town about 300 yards to the south, it crosses the prairie in a course S. 71 deg. 30 min. E. to the south-east quarter of section 12, township 7, range 19, where it crosses the summit between the waters of Illinois bayou, Whig creek and Galla creak, at an elevation of 130 feet above the grade at Illinois bayou. At this point there will be an extensive cut, but it is not apprehended that any rock, other than slate, will be encountered. The remaining portion of the work, from Illinois bayou to this place, will not be expensive.

After passing this summit the route curves a little more to the south, to avoid the hills on the north, and passes through the south-east corner of section 12. It follows thence the valley of a tributary of Galla creek, until it crosses the creek near Kirkbride Potts' house, in the south-east quarter of section 17, township 7, range 19, whence it continues in the same course to the north-west quarter of section 22, township 7, range 19, where it curves to a due east course, and is continued in that direction to the north-west quarter of section 23, township 7, range 18.

After crossing Galla creek the line enters an extensive valley, bounded on the north by Carrion Crow mountain, and on the south by a range of hills which run due east and west, for a distance of six miles, where they terminate on the table land bordering the bottom land of the Arkansas, on the west side of section 22, township 7, range 18.

The summit dividing between the waters of Galla creek and Point Remove creek is crossed on the north-west quarter of section 24, township 7, range 19, at an elevation of 76 feet above the valley of Galla creek. White Oak creek, a tributary of Gum Log creek, has its source on this summit, and flows in a due east course for nearly four miles, where, in section 22, it takes a north-east course to Gum Log.

The line pursues the valley of White Oak to section 22, where, continuing east, it takes a low ridge, dividing between the waters of White Oak and those that flow into the Arkansas in the south.

In section 23 the line curves to the south-east, and passing through the south-east corner of section 24, takes a course to the north-east quarter of section 11, township 9, range 77, where it crosses Point Remove creek.

This deflection to the south-east is necessary to avoid the extensive bottom land of Gum Log and Point Remove creeks, on the north of the line, which are overflowed to a great depth by the back water of the Arkansas.

After leaving the valley of White Oak creek, the line passes over gently undulating ground, on which the work will be very light to the end of the division.

The portion of the route between Scotia and Point Remove creek has very few curves on it, and those are all of large radii, and the route on the entire division is remarkably direct.

Sandstone, of that peculiar character mentioned above, can be found contiguous to the route, wherever it will be found necessary to make use of it; and timber of the best quality, for all the purposes of construction, is abundant.

Galla creek will be crossed by a bridge of fifty feet span, and Point Remove creek by one of 150; which, together with the numerous other structures of less magnitude, are included in the table of estimates.

Division 3d extends to the intersection with the Cairo and Fulton line, in the valley of Cypress creek, the length by the line of survey being 50¼ miles.

On this division the hills all range nearly east and west. There are none of them of great elevation, but all are rugged and rocky. They lie parallel to each other, with valleys of various extents intervening in succession from the Arkansas river to a parallel many miles north of the proposed route for your road. These ridges are like those on division 2d, broken by the streams which flow into the Arkansas, and some of their large tributaries, and it is through these gaps alone that any deviation can be made from a general east and west course, except where slight deflections are made by crossing from one side to the other of the valleys.

In some places the hills are cleft to their base, where narrow passes occur for the passage of the streams which generally flow through at right angles, and after passing the gap take their courses parallel to the ranges of the hills, till another gap of a like nature occurs.

Immediately after crossing Point Remove creek, the hill bordering the valley of the stream is encountered. This hill ranges nearly east and west, and the elevation being too great to admit of suitable grades for crossing it at this place, it was necessary to continue along its face at the north side, up the valley of the creek to the middle of the south boundary of section 6, township 6, range 16, where Caney creek makes a passage through the ridge, cutting it to its base.

At the bend made after crossing Point Remove creek, the line is but 1,600 feet distant from the line of location of the Arkansas Pacific railroad, which crosses Point Remove about one mile lower down the stream, and ascended gradually the face of the hill to a favorable place for crossing it, which occurs near the place where the two lines approach nearest to each other.

The hills in this section ranging a little north of east it was consequently necessary for the line to take a course a few degrees north of east, until it reached the gap made by Caney creek, through which it passes; first curving to the south, and after passing the ridge curving again to a course about north 82 east, corresponding to the range of the hills and the general course of the valley of Caney creek, which is quite spacious and gently undulating.

Its source is in the south half of section 3, township 6, range 16, where Caney creek of Cadron also heads, and flows exactly in a contrary direction, to the dividing line between section 5 and 6, township 6, range 15, where it takes a course a little south of east; to its confluence with Cadron creek—thus forming a continuous valley, ranging little from a due east and west course, for upwards of twelve miles. The summit level at the head of the two Caney creeks is 104 feet above the grade at Point Remove, and 114 above that at Cadron creek.

The line from Point Remove to the valley of Cadron is very direct, and the grading will be very light for the whole distance.

On approaching Cadron creek the line runs along the northern face of the hill on the south side of Caney creek, to the middle of the northern half of section 7, township 6, range 14, where the surveyed line curves to the south, passing through a gap in the ridge, which continues for half a mile beyond this point, and terminates abruptly. After passing through this gap, it crosses a valley and curves again to the east, along the face of another range of hills, and in the south-east quarter of section 8, township 6, range 14, turns again to a course a little west of south, passing over an elevated part of the bottom land of Cadron valley, called the Burnt Pond, to the middle of section 17, where it makes a curve to the east, and crosses Cadron creek in the south-east corner of section 19.

The east fork of Cadron unites with the main creek in the south-west quarter of section 9, township 6, range 14, where the bottom lands of the two streams are very extensive, and during the freshets of the Arkansas are inundated to a great depth. To avoid these very deep overflows, which extend up the valley of the east fork for a number of miles, it was thought advisable to make the above mentioned detour to the south, over the more elevated land on the right bank, and cross the main stream at a point from which great facilities would be afforded for the passage of the road in an easterly direction. It has been found, however, that the difference in distance between the surveyed line and the route which the road in all probability would take, if continued by way of the valley of the east fork, would be about 1 2-5 miles. I am therefore of opinion that it would be better to pursue the more direct course by the valley of the east fork, as it is hardly probable that the expense of extra embankment could exceed that which is occasioned by the increased length of the road on the other route.

The proposed route, via the east fork, will be found on map No. 2.

On the route surveyed, the embankment will be very extensive, ranging in depth from 5 to 10 feet for a distance of two miles and a half, in order to place the road beyond the reach of such freshets as those of 1833 and 1844.

By the surveyed line, Cadron will be crossed where the banks on each side are more elevated than they are generally in this section.

On the east of Cadron creek the principal ridges lie nearly east and west, whilst the spurs incline a little north of east. After crossing the stream, the course of the road is due east for nearly two miles, ascending a ravine between one of the main ridges and a spur to the south-east quarter of section 22, township 6, range 14, near the house of J. K. Stone, esq., where a gentle curve is made to the south of east, and the line is continued to the north-east quarter of section 25, of said township, whence it takes a due east course, following the valley of Beaver Ford to Pickens' Gap.

The line crosses the dividing ridge between Cadron on the west and the waters of Beaver Fork on the east, in the south-east corner of section 23, at an elevation of 32 feet above the grade at Cadron. The backwaters of the Arkansas extend up the Beaver Fork to section 24 and 25, and in the very high freshets the depth of the water in the bottoms exceed in most places ten feet. To avoid these overflows the route passes along the slopes of the hills in the south of the valley.

At Pickens' Gap, on the dividing line between sections 28 and 29, of township 6, range 13, Beaver Fork finds a passage through the ridge of hills, which is availed of for the passage of the road also. The route consequently curves to the south, and after passing the ridge, curves again to a course a little south of east, and passes through another gap at the south-west corner of section 26, of the same township, by a very gentle curvature. It continues thence in a direction south of east, along the valley of Beaver Fork, to the summit dividing between the waters of Cadron and Palarm creeks, in the north half of section 35. After crossing the summit, it continues along the northern face of a spur of Cadron hill, or mountain, to the middle of section 36, where it curves to the south; and descending, passes through Five-mile Gap of Cadron mountain, in the same section, from whence it takes a south-east course to Palarm bayou, which it crosses in the south-west quarter of section 5, township 5, range 12, passing over a gently undulating surface, with a gradual inclination from the base of the hill to the stream.

The summit between the waters of Cadron creek and Palarm bayou is crossed at an elevation of 126 feet above the grade line at Cadron.

No difficulties other than those of an ordinary nature are met with between Cadron creek and Palarm bayou, and the route in its general course is very dirict.

From Palarm bayou, the line crosses diagonally a spacious valley, in a south-east direction, to the point of an isolated hill, in the south-west quarter of section 10, township 5, range 12, which it leaves to the right. It then curves a little more to the south to avoid another hill, the southern terminus of which lies in the south-east quarter of section 14 of the same township, where the line crosses the summit dividing between the waters of Palarm bayou and Cypress creek. After passing the point of this hill the route curves more to the east; and in the northern half of section 19, township 5, range 11, it crosses a depression of a ridge of inconsiderable altitude, which divides between two of the head branches of Cypress bayou. In section 20 it curves to a due east course, and following the valley of Cypress bayou, passes through the center of the range of sections from section 20, township 4, range 11, to section 20, township 5, range 9, a distance of 11¼ miles.

From thence it curves to the south-east, and intersects the line of experimental survey for the Cairo and Fulton railroad, in section 27, township 5, range 9, about one-third of a mile to the east of the road from Little Rock to Searcy.

The section between Palarm bayou and the terminus of the survey, presents no obstacle whatever to the construction of a railroad with gentle gradients and curvature of unobjectionable radii, and the point of greatest elevation on the line is but 58 feet above grade at Palarm.

Far the greater portion of the grading will consist of embankment, merely sufficient to elevate the road bed above the general surface of the ground, for the purpose of keeping it dry during the wet seasons of the year.

No very heavy work will occur at any one part of this whole division, and the grading, masonry and bridging will fall very far short of the average.

The principle bridges will be for Cadron creek, one of 175 feet span; for Palarm bayou, one of 100 feet span, and for Four Mile creek, one of 100 feet. There will be no other bridge required of more than 30 feet span on the entire division.

Suitable timber for cross ties and other purposes, is abundant on all parts of this division, and sandstone, similar to that described before, is to be found convenient wherever it will be required for construction.

The nature of the ground on all parts of the route is peculiarly adapted to the construction of a railroad, and in many places, along the face of the ridges, fragments of the sandstone which predominates, and which will require but very little preparation, can be collected in abundant quantities for ballasting large sections of the road.

The quality of the rock for masonry cannot be excelled, and it appears that nature has done almost all that could be required to present it with the most suitable shapes.

The maps and profiles, illustrative of the surveys and location, and herewith furnished, are as follows:

Map. No. 1

Embraces that portion of the country which extends from the western boundary of the State to White river, including twelve ranges of townships north of the base line.

This map exhibits the line of location from Fort Smith to Little Rock, as heretofore described, and also the line of approximate location to the intersection with the Cairo and Fulton road, in the valley of Cypress creek. The former is traced in a full red line. The latter in a broken or dotted line.

The gradients in each line respectively are exhibited on the profiles at the bottom of the sheet.

The horizontal scale of the map and profiles is 20,000 feet to the inch, and the vertical scale of the profiles is 100 feet to the inch.

The delineation on those sections through which the lines of location pass, and many of those contiguous, have been traced from copies of the township surveys, procured from the land offices of the general government, at Clarksville and Little Rock, and have been made to conform as nearly as practicable to the notes of reference to section lines and corners, which were taken whilst the surveys were in progress. The remaining portion of the map has been copied from Langtree's published map.

Map No. 2

Exhibits that portion of the country over which the lines of location and the different experimental lines have extended. The delineation on the sections traversed by the various lines, and also on most of those contiguous, have been likewise traced from copies of the township surveys.

On this map the routes of approximate location are traced in full dark red lines. The several experimental lines are more faintly delineated.

The distances of subdivisions of miles and feet are made to correspond exactly to the distances actually measured on the survey, without reference or regard to the difference made by alterations and curvatures on the lines of location, as hereinbefore mentioned and which shortens the line 1 mile 1,900 feet.

The scale of the map is 3,000 feet to the inch, and the sheet of paper on which it is traced is 22½ feet in length by 5 feet in width.

The profiles exhibiting the undulations of the ground, the gradients, heights and depths of embankments, excavations, etc., are, for convenience, divided in three parts.

The first division is 56 miles 4,500 feet in length, and extends to the point where the deflection was made from the main line, to survey the line via Clarksville and Dover.

The second division embraces the remaining portion of the route to the connection with the line of location—established thence to Little Rock by R. L. Hunter, esq., 83 miies 4,224 feet, and is extended to the right bank of Point Remove creek, on the experimental line towards the Cairo and Fulton line at Cypress creek.

Total length, 48 miles and 1,850 feet.

The profile of the route, via Clarksville and Dover, is also exhibited on the division, by which the excess of this distance of 3 miles 660 feet, before adverted to, is clearly shown, and the difference of gradients on the two lines contrasted.

The third division extends from the right bank of Point Remove creek to the connection with the Cairo and Fulton line in the valley of Cypress creek, 50 miles 3,139 feet.

The horizontal scale of the profiles is 400 feet to the inch, and the vertical scale 60 feet to the inch. The datum or base line of the profiles is 234 feet below the level of the grade line at the starting point at Fort Smith.

It must be borne in mind that the profiles of the routes to the Cairo and Fulton line at Cypress creek have been compiled from the level notes on the surveyed line, which exhibit the elevation at each station, besides the intervening inequalities of the ground along the line; and no deductions have been made for distances saved or cut off by alterations and curvatures on the location. The profile on the line of location is made to conform to distances saved by alterations and curvutures.

The grade lines are drawn in blue ink, and the dotted lines represent the contour of the ground on the located route, where slight deviations have been made from the surveyed line, and where the differences could be surveyed with sufficient accuracy.

I also herewith furnish separate plats of all the townships through which the lines of location have been made, both to Little Rock and the valley of Cypress creek, with the trace of the line of location through each, showing as near as possible the intersection with the section lines.

It is not possible to fix upon a price for iron with any degree of certainty, for any future period, but it is presumed that rails would cost, delivered on the road, at the present rates, about $80 per ton.

At this price, the cost of matarials and workmanship, on one mile of track, would be as follows:

94½ tons of rails, at $80,		$7,560 00
600 wrought iron chains, at 50 cents,		300 00
5,600 lbs. of spikes,	6 "	336 00
2,640 cross ties,	15 "	396 00
1,760 cubic yds. of ballasting,	35 "	616 00
Laying track, clearing ditches, etc.,		500 00
		$9,708 00
Add 1-20 for side tracks, turn-outs, etc.,		492 00
Cost of superstructure per mile,		$10,200 00

The estimated cost of the road from Fort Smith to the junction with the line surveyed for the Arkansas Pacific railroad, is as follows:

Clearing, grubbing, grading, bridging and masonry, for the first subdivision, (see table of estimates),	$217,025
For the second subdivision. "	123,520
" third " "	81,360
" fourth " "	81,160
" fifth " "	84,244
	$587,309
83.8 miles of superstructure, at 10,200 per mile,	854,760
83.8 " " fencing, " 500 "	41,900
Total cost of 83.8 miles of road completed,	$1,483,969
Cost per mile,	$18,708

The estimated cost of the road from Fort Smith to the junction with the experimental line of the Cairo and Fulton railroad, in section 27, township 5, range 9, is as follows:

Clearing, grubbing, grading, bridging and masonry,	
For the first division, (see table of estimates),	$421,908
" second " " "	223,896
" third " " "	169,768
	$ 815,653
153.75 miles of superstructure, at $10,200 per mile,	1,568,250
153.75 " fencing, " 500 "	76,875
Total cost of 153¾ miles of road completed,	$2,460,778
Cost per mile,	$16,005

The estimate for the depots, workshops, station-houses, water-stations, and equipments of the road, includes everything that may be required for the entire route from Fort Smith to Little Rock, or from Fort Smith to the Cairo and Fulton railroad, wherever the junction may be made, and is as follows:

4	20 ton passenger engines,	$10,000,	$ 40,000
3	26 ton freight do	10,000,	30,000
2	engines for wood and other purposes,	6,000,	12,000
6	first class passenger cars,	2,400,	14,400
4	second class do do	1,200,	4,800
3	baggage and mail do	900,	2,700
60	platform cattle and horse cars,	500,	20,000
20	gravel cars,	150,	3,000
10	hand do	100,	1,000
			$137,900

Depots, workshops, station-houses and water-stations, including land,	150,000
Engineering expenses and contingencies,	72,000
	$360,000

The aggregate cost of the road, equipped, would be as follows:

Cost of the road from Fort Smith to junction with the Arkansas Pacific location, 83.8 miles,	$1,483,869
Cost of equipment, depot, workshops, etc., to Little Rock	360,000
Total	$1,843,969

Cost of road from Fort Smith to junction with Cairo and Fulton survey, 153.75 miles,	$2,460,778
Cost of equipment, depot, workshops, etc.,	360,000
	$2,820,778
Cost per mile, equipped complete,	$18,350

In the execution of the surveys, my attention has been exclusively directed to a critical examination of the country, and an investigation of its topographical features and resourses only so far as they might influence a judicious selection of a route, or might be applied with most economy in the construction of a railroad.

It is presumed that the necessity for making the road, the probable amount of revenue to be derived from the transportation of passengers, goods, merchandise, the agricultural and mineral productions of the country, etc., etc., are subjects which have been already discussed, and are well understood. They are matters therefore which I have not adverted to. I am aware that the practice has become general throughout the United States for engineers to enter into such calculations, but I consider it a pernicious one, for it cannot be presumed that the engineer, who is generally a stranger, can be so well acquainted with all the statistics or so capable of forming correct estimates on these subjects as those who project the road. Besides which it is the interest of the engineer to make the probable revenue appear as large as possible; and it too often happens that his judgment is warped, and his imagination leads him to conclusions which are not sustained by facts.

In the execution of the surveys, and the maps and profiles exhibiting the same, as also in the preparation of the estimates, etc., I have been aided by Wm. H. Bradley of Boston, and Dennis Callahan, of Baltimore, and take this occasion to express my thanks to them for the energy, zeal and ability with which they unremittingly performed their respective duties, as principal and second assistants on the work.

All of which is respectfully submitted,

JOSHUA BARNEY.

PROCEEDINGS OF THE STOCKHOLDERS

OF THE

MISSISSIPPI, OUACHITA & R. R. R. COMPANY.

NOTE.—The absence of the President of the company, caused by an unavoidable detention on the Mississippi river, prevented him from making his usual annual report.

The meeting being organized by calling A. A. STITH to the chair, and the appointment of JAMES T. ELLIOTT as Secretary; the different officers of the company were called upon for their respective reports, and submitted the following:

Captain LLOYD TILGHMAN'S report, as Chief Engineer—See statement marked "A."

JAMES T. ELLIOTT'S report, as Secretary, see statement marked "B."

P. K. ROUNSAVILLE'S report, as Treasurer, see statement marked "C."

Messrs. J. S. H. RAINEY, J. DECATUR HILL and S. HALLEY, were appointed as a committee, to examine the reports as submitted.

The following resolution was introduced by W. L. SOMERVILLE, and unanimously adopted:

Resolved, That the above reports be received, and that 1000 copies of the same be printed for general distribution.

The President pro tem. of the board of directors, having stated that the following persons, J. S. H. RAINEY, N. S. GRAVES and JOHN JENNINGS, had been appointed to hold an election for directors for the ensuing year, according to the provisions of the charter; it was

Resolved, That the meeting adjourn to the court house, to hold said election, and to re-assemble again, at 7½ o'clock, at this place.

Adjourned Meeting, 7½ o'clock, P. M.

A. A. Stith, chairman.

The chairman vacated his seat, in favor of TYRA HILL, esq., to offer the following resolutions:

Resolved, That we, as the stockholders of the M. O. & R. R. R. R. Company, and as the earnest and substantial friends of Arkansas, and internal improvements every where, have read, with pleasure and with pride, the biennial message of His Excellency, Elias N. Conway, Governor of the State of Arkansas, transmitted to the two Houses of the General Assembly, now in session at the capital; and do most cordially approve his recommendations therein contained, in relation to the swamp and overflowed lands, in connection with the various railroad enterprises in this State; and do regard the recommendations of His Excellency as bold, manly, wise and patriotic—sustained, as they are, by clear and sound reason.

Resolved, That we, as such stockholders, etc., coming, as we do from, and representing, to some extent, the feelings and views of the counties of Ouachita, Drew, Bradley, Calhoun, Dallas, Columbia, Lafayette, Hempstead and Sevier, do esteem it the highest and most solemn duty devolving upon the General Assembly, now in session, to adopt all such measures as shall, in their practical operations, substantially and soundly promote and advance the cause of internal improvement throughout the State—particularly the construction of railways—as we do solemnly believe that, upon this foundation, rest all the future hopes of Arkansas. And, especially do we consider it imperative upon the representatives of the people, now assembled at Little Rock, to adopt and carry out, by wise and judicial legislation, the recommendations of the Governor referred to in the preceding resolution.

Resolved, That we respectfully suggest, to our General Assembly, that, should they, in their wisdom and discretion, deem it to the interest of the people of south Arkansas, to adopt the policy of the Governor, in reference to appropriating a portion of the swamp and overflowed lands, in the construction of railways, they would, without delay, withdraw from sale all the said lands lying within fifteen miles on either side of the several roads in Arkansas, that have been surveyed and their lines designated, until their final action upon that part of the Governor's message. And that, should the recommendations of the Governor, above referred to, become the settled policy of the State, the several roads above named, be granted a pre-emption right for fifteen miles, on either side of said roads, for a limited period of time.

Resolved further, That we firmly believe, if the present General Assembly should adopt and carry out the policy of the Governor, as indicated in the foregoing resolutions, such action would meet the hearty approval of a large majority of the people in the southern part of the State.

The judges of the election reported their failure to elect twelve directors for the ensuing year, according to the charter. Whereupon, the meeting adjourned one week, to re-assemble on the 22d November, 1854.

JAMES T. ELLIOTT, *Secretary.*

STOCKHOLDERS' MEETING, *Nov.* 22, 1854.

A meeting of the stockholders of the M. O. & R. R. R. R. Company, according to adjournment, was held at the court house, in the city of Camden, on the above date.

A. A. Stith, in the chair,

The meeting being organized, the committee appointed to examine the accounts of the Chief Engineer, Secretary and Treasurer, submitted their report. See statement marked "D."

The judges appointed to hold an election for twelve directors, submitted the following report:

We, the undersigned, judges of an election holden at Camden, on the 22d of November, 1854, for the purpose of electing twelve directors of the M. O. & R. R. R. R. Company, do report the following gentlemen as receiving the highest number of votes, and therefore declare them duly elected, to wit: JOHN DOCKERY, LEWIS B. FORT, G. W. HOOKS, THOMAS SUTHERLAND, P. MCCOLLUM, EZRA HILL, JAMES A. JONES, BENJAMIN W. MARTIN, WILLIAM E. CONLEY, JOHN H. MARKS, JAMES H. MEANS and WILLIS L. SOMERVILLE.

Respectfully submitted,

JOHN T. BEARDEN,
J. S. H. RAINEY, } *Judges.*
N. S. GRAVES,

The newly elected directors, as above, (with the exception of G. W. Hooks,) presented themselves, after being notified of their election, in an organized body—John Dockery, President, and James T. Elliott, Secretary—and were duly received as the directory of this company, for the ensuing year.

The following resolutions were introduced by N. S. Graves, and unanimously adopted.

Resolved, That, while we are not in favor of oppressing any stockholder in his pecuniary affairs, we believe the obligation of every stockholder to pay his stock as sacred as any contract into which a man may enter, and we believe that justice to all demands that each one should pay his calls promptly, if within his power to do so; and we respectfully suggest to the board of directors that it is highly expedient, for the interest of the road, that they should adopt prompt and efficient means to enforce the collection of all due and unpaid stock.

Resolved, That upon the prompt payment of stock, depends the success of our enterprise; and that our ability to *build* our road is now clearly demonstrated, and only awaits the strict compliance by the stockholders with their contracts, and that we will cordially approbate any means which our directory may adopt for the enforcement of the same.

Resolved, That we, the stockholders of the M. O. & R. R. R. R. Company, take great pleasure in expressing our hearty approval of the efficient, prompt, able and patriotic manner, in which the board of directors, our chief engineer and his assistants, and the secretary and treasurer, of this company, during the last year, have discharged their various and arduous duties; and hail this fact as highly encouraging to all the friends of Arkanas' improvement in general, and of this road in particular, and that we tender them our cordial thanks.

Resolved, That the resolutions and proceedings of this, and the meeting previous, be published with the chief engineer's, secretary's and treasurer's reports, in pamphlet, for general distribution.

No further business appearing, the board adjourned *sine die*.

A. A. STITH, *Chairman*.

James T. Elliott, *Secretary*.

A

CHIEF ENGINEER'S REPORT.

Engineer's Office,
Mississippi, Ouachita and Red River Railroad,
Camden, Nov. 5th, 1854.

To the President and Directors of M. O. & R. R. R. R. Co:

Gentlemen—The period has again returned, when it is customary for the several officers of your company to make, for your benefit, as well as that of the stockholders in general, a full, but concise exhibit of the operations of the several departments over which they have presided since the last annual meeting.

Under all circumstances, and in all sections of the country, is it right and proper that this duty should be discharged with great care and *faithfulness;* but particularly is it incumbent upon officers, engaged in the construction of what may be denominated *pioneer* roads, to make such clear and minute exhibits of the details of their several departments, as, challenging the closest scrutiny, will not only tend to disarm prejudice and fault-finding, but impress public opinion, at home and abroad, with the knowledge of the fact that the interests of all concerned are cared for, and that, if, in the course of their administration, errors of judgment should exhibit themselves, they may be free from any charge of concealment, and pave the way for the corrections necessary to avoid neglect, or malpractice in the future, by enabling the board of stackholders to take proper action on ths subject during their session.

Experience proves, not only at home but abroad, that nothing gives greater confidence in a road than a systematic and detailed exhibition of expenditures, especially when economy distinguishes the management; and, knowing as I do, from my short experience with your people, that much is expected from my own department on this score, I have endeavored to render such a system of accounts as will, I hope, be satisfactory to all interested.

For the sake of convenient reference, I shall proceed to consider, first, the

Location of the Eastern Division.

The location of this portion of the road, may be considered as fixed upon the original experimental line from "Ferguson's Point;" until it reaches the vicinity of Monticello Ridge, where, as was suggested in my report on the preliminary surveys, a successful effort was made to straighten the line to the *Saline*, by crossing the divide between Bartholomew and Saline, nearer to Monticello. This was affected through the gap in the ridge, near Mrs. Crooks, only two miles south of Monticello. The line is shortened slightly, and although a slight increase in cost is caused, on one mile west of the ridge, it is made up for by the superiority of the approach to the Saline river, and the saving of cost at that point.

From the Saline, westward, the line adheres closely to the experimental survey to the Moro, at which point we were forced to stop on account of the excessive heat in August, and the necessity of preparing the first twenty miles from the Mississippi for contract, without employing any extra force in the engineer department.

I am truly happy to be able to say, that the results, as given in my report, on the preliminary surveys, have, in each and every respect, been verified. All speculations, by interested parties, as to the character of the line from Bayou Mason, east, to "Ferguson's Point," were effectually silenced, by the re-survey. The approach to Mississippi river, is by a tangent, one mile in length, on a cane ridge, requiring a bank about two and a half feet high, uninterrupted by a single bridge or culvert.

A beautiful situation for a town, is found at the river, which, now that it has been partially cleared of undergrowth and timber, presents a most attractive appearance, and has enticed various applicants from Memphis, Columbia, and the surrounding country, for lots upon which to locate.

The approximate estimates of cost for the local work, on the eastern division, will be found ample for absolute construction; and I have no hesitation in saying again, that *the road can be built for my estimate.*

So soon as it may be necessery, the location, from Moro to Camden, can be completed; and the location may now be stated as conforming closely to the experimental line.

I will now proceed to speak of the

Location of the Western Division.

The location of the road having been fixed by Camden, the line may be considered as varying, but in a small degree, from the experimental survey from "Matlock's Ferry." Crossing the ridge north of the grave-yard, at the same point, it continues with the designated line of the preliminary survey, to near Cypress creek, west of Woodlawn. At this point, it leaves the original survey to the north, and passes by Lusby's, Jenkins' Mill, to Bell's Summit, two miles south of Leak's store, thence by Kelso's, crossing the main dividing ridge between Ouachita and Red River, one and three quarter miles south of Godbolt's, uniting with the experimental survey again at a point one and a half miles east of Lamartine. From thence, to a point five miles east of Lewisville, it conforms to the route of the experimental line, where it again diverges, passing near Steele's, two miles south of Lewisville, at which point I caused the surveys to be suspended, on account of the great indisposition of nearly all of Mr. Mosby's party.

The result of these changes is a saving of two miles three hundred and forty feet on the preliminary line, at an expense of only $15,000 on the first twenty miles west of Camden; but, on the whole route, a *saving*, on the preliminary estimate—confirming me in the belief that the estimate for the cost of the local work on the western division, as given in my first report, will be sufficient for construction, and enables me to say with confidence, that the cost of your local work, on the entire road, will not exceed the amount stated, viz: $436,692 74. And that all future arrangements, can be safely based upon this estimate.

There remains only about seven miles of the location to make on the western end. This will require but a few days to complete, so soon as I have fixed the precise point of crossing Red River.

The characteristics of the line located, are the same as those stated in my preliminary report, the whole presenting a road that can be easily and economically worked; and when reference is had to the cost of the local work, classes it as one of the cheapest and best roads, of its length, in the United States.

Construction.

Immediately after completing the surveys, an immediate reduction in the expenses of the engineer department was made, by a discharge of all persons not absolutely necessary on the construction of the two divisions. Mr. Fuller, assisted by Mr. W. H. Davison, as assistant engineer, and Mr. West, as rodman, together with one axeman, were assigned to the eastern division; whilst Mr. Mosby, assisted by Mr. Carter, as assistant engineer, and Edward Mosby, as rodman, with one axeman, took charge of the western division.

As stated in my report of the 22d February last, contracts were made for all the local work on the two divisions, at the engineer's estimate, with highly responsible parties.

The whole twenty miles on the eastern end, were let to Mr. J. W. Martin of Warren, with the understanding that Messrs. Ferguson and Chorles McDermot should have certain portions of the work that lay contiguous to their plantations. This arrangement was carried into effect; and, to Mr. Ferguson was assigned from the Mississippi river to Clay bayou; whilst Mr. McDermot took four miles east from the western line of Chicot county.

The terms of these contracts are highly favorable to the company, payments being made quarterly, sixty cents cash with forty cents stock on the dollar. The original contractor was bound, in the sum of twenty per cent retained, and the further sum of ten thousand dollars, with two good endorsers, to complete the work on or before the first day of September, 1855.

It was not until August that I was enabled to close a suitable contract for the trestle work and bridges on the eastern end. After an examination of the various proposals made, and weighing fully every thing connected with this work, I awarded the contract for the same to B. A. Osgood, esq., whose proposal to build at my estimate for the whole, and take twenty per cent. in stock, appeared to me to be the most advantageous for the company. Mr. Osgood is well known to me, and is in every respect worthy of our confidence. Mr. Osgood secured, at once, the assistance of a large and experienced force, under the management of Mr. J. H. Williamson, as master workman, who had gained a high reputation in Illinois, for skill and promptness.

So soon as it was possible for men to work in the bottoms on the Mississippi river, all of the contractors started their work with great energy, and the work is now progressing rapidly. With any thing like a favorable season, the contractors will have finished their work within the time specified. In order to avoid as much as possible any hindrance from high water in the bottoms, I have ordered the grading and bridge forces to be confined to that portion of the road east of Bayou Mason; though the grubbing and clearing, together with some grading, have been carried as far as a point three miles west of the Mason. This order did not apply to Mr. McDermot's work, who has completed the clearing of his whole contract, and is ready to commence grading. The force now employed on the eastern end, may be stated at two hundred workmen.

By reference to my first report it will be seen that the cost of graduation on the eastern division, from the Mississippi to the cut-off, amounts to $73,367 92; and, by the following table, you will ascertain what proportion is payable in cash and what in stock:

Earth work, grubbing and clearing,		$ 44,169 92
Amount payable in cash,	$ 26,501 95	
" " stock,	17,667 97	

Trestle work and bridges, and log drains,		$ 29,198 00
Amount payable in cash,	$ 23,358 40	
" " stock,	5,839 00	

RECAPITULATION.

Total cost of grading,		$ 73,367 92
Payable in cash,	$ 49,860 35	
" stock,	23,507 67	$ 73,367 92

As yet, no steps have been taken to secure the necessary grounds for a temporary depot at the cut-off; but no difficulty is anticipated on this point, as there is distance enough to play upon to prevent improper speculation on the part of outsiders.

I will remark just here, that Mr. Ferguson is ready to make a deed for the land donated by him at the eastern terminus, at any time. This matter will be concluded so soon as the adjacent grounds have been cleared, so as to enable me to fix the boundaries to the donation in such a way as to do full justice to the company.

On the western division, contracts were made with various parties, all of whom, as will be seen below, are of high standing in your community. The work was let at my estimate, and on terms unusually advantageous to the company. The following table will show the names of contractors, and the respective sections undertaken by them:

			Amt. paid in stock.
J. D. Hill,	Sections	1, 2 & 3,	33⅓ per cent.
D. W. & D. P. Lear,	"	4, 5, 6 & 7,	30 "
Wm. Cleaver,	"	8,	36 "
Tyra Hill,	"	9 & 10,	36 "
N. Milder,	"	11,	36 "
J. Byrne,	"	12 & 13,	40 "
T. P. Dockery,	"	15, 16, 17, 18, 19 & 20,	40 "
N. Clifton,	bridges and trestle work,		40 "

As before stated, the cost of this sub-division, will exceed by about $15,000, my original estimate, on account of an increase of work in effecting a change beyond Woodlawn; by which, over two miles in distance was saved. Should I be enabled to succeed in getting stone for culverts, which were estimated as *log drains* originally, I shall make use of it, at a slight increase of cost. It is probable that I may be successful in part.

The cost of this sub-division, may now be stated at $61,423 10; of which, there will be payable, in cash, $39,181 78, and in stock, $22,241 32.

Great energy has been manifested by all the contractors engaged in the grubbing, clearing and earth work. Excepting a small portion of the line, the whole of the grubbing and clearing has been prepared, and about four miles of the road graded. The whole can be finished by the 1st of August next, and sooner, if necessary. Some delay has been experienced by the contractor for the trestle work and bridges, but all will be completed in time for the grading.

The efficiency of our home contractors, and the ample remuneration they receive for their labor, gives great strength to our enterprise. The prices paid for work, proves plainly that the contracts pay far better than any other pursuit in which the same amount of labor could be applied; and, in fact, I do not step beyond the proper bounds, when I say, that those farmers who have employed their hands on the road, have realized double what they would have done on their plantations; and a large amount of work has been done by planters, without hindrance to their usual crop, the slaves being engaged at odd times only upon the road.

A striking and valuable fact grows out of this system of doing work. *Every dollar paid for building our road, is kept in the country, and is distributed for labor and supplies, so that all feel its benefits.*

So manifest is it that our contracts offer unusual inducements to your people, that no difficulty will be experienced in letting the whole road on even better terms than at our first letting, constant applications are made for work by persons along the line, and from the adjoining counties; and it is to be hoped that your honorable body will be enabled to order, at once, an extension of our operations.

It will be seen from the above statements, that the payments on our work have added the sum of $45,748 99 to the stock of the company; and, also, that it will require but $89,042 13, to complete the graduation of the forty miles now under contract.

Should we be enabled to make further contracts, at the rates of payment anticipated, it will require but sixty-five per cent of the entire cost of graduation, in cash, to do the whole work: that is to say, the sum of $252,752 40; and, that we shall be enabled to do so, there can be no reasonable doubt.

With regard to my former estimate for the superstructure, I am now fully convinced that it is ample in the extreme. The chief item in its cost, *iron*, has fallen below my estimate even now, and the belief is, that the tendency is still downward, with but little fear that it will reach the price assumed in my first report, for many years to come—if it ever does. And assuming the rates of freight and charges for shipment, to be the same as stated in my first report, the fall in the price of iron, and hence decrease of duty, (which is *ad valorem*,) since February last, would reduce my estimate to $80,000. There can be no question but that the road can be put in successful operation for my estimate of $2,000,000

The total amount of cash requisitions for work, to the first day of October, is as follows:

Eastern division,	$ 1,848 00
Western division,	3,479 94
Tatal cash,	$ 5,327 94

The first *regular* estimate, will not be due until the 1st day of January; from the fact, that many of the contractors, getting to work late in the season, had not their work in a condition to estimate for the quarter ending October 1st.

I beg leave next to call your attention to the papers herewith submitted, embracing the details of expenditures in my own department since August, 1853. These papers, you will find, embrace expenditures on preliminary survey, location and construction, separately, with the various items of *subsistence, salary, labor, contingencies and personal property*, given in detail; together with appropriate vouchers and certificates from disbursing officers. The papers, though numerous, are easy of examination, and I request that they be critically examnied, and the committee on accounts requested to report promptly.

Western Division.—By reference to statement G, it will be seen that the cost of experimental survey, was $2,912 88: location, H, $4,333 92; and construction, I, $1,600 17: making a grand aggregate of $8,846 97, (as per statement K)—of which sum, $5,212 27 was paid for salaries, and $3,634 70 to labor and subsistence. To the above, should be added a fair per centage for use and wear on personal property, say $250.

Eastern Division.—By reference to statement E, it will be seen that the cost of experimental survey was $3,173 11; locative survey, $4,609 76; and the cost of engineer expenses for construction, to be $517 34: making a total $8,300 21: of this $4,358 38, is chargeable for salaries, and $4,041 83 for labor and contingent expenses, subsistence, etc., etc. To this should be added $250, for use and wear of personal property.

Statement E, shows the total disbursements by myself, on account of salaries of assistant engineers, personal property, contingencis, etc., etc., to have been $6,161 74. Of this amount, $3,223 32 was paid for personal property, as per statement A; for contingent expenses, as per statement B, $748 07, and on account of salaries of assistant engineers, $2,191 15, as per statement C.

By abstract D, it will be seen that there has been paid to me, for disbursement, $6,647 37, exclusive of construction—leaving a balance of $485 63, as per statement E, in my hands.

By reference to abstract No. 1, of payments on construction for *eastern division*, it will be seen that I have paid $1,848; and by statement F, that I have received on that account, $1,150—leaving balance due chief engineer, of $608.

By reference to statement G, it will be seen that there is due chief engineer on all personal disbursements, the sum of $212 37.

Abstract No. 2, shows the amount drawn, for construction on *western division*, to be $3,479 94; and amount paid, as per statement H, to be $3,479 94.

Statement W, gives a detailed account of all receipts and disbusements by engineer department, on account of salaries, labor subsistence, personal property, graduation and contingents. By it, you will perceive that there has been disbursed $19,774 22, and receivee $19,561 84, showing, as stated before, the balance due chief engineer, to be $212 38.

Of the above disbursements, it will be proper to remember, that $3,222 52 was expended for *personal property;* of which $1,338 35, for carts, wheelbarrows, and tools, will be repaid by contractors. The balance, for instruments, camp equipage, stationery, etc. A portion of the latter expended, the others on hand in good repair, and subject the whole to the charge for use, wear and tear, etc., as given before.

Deducting the cost of personal property from the whole cash disbursement above, you will have $16,551 70, as the absolute cash expended by engineer department, on all of the above accounts. If you again deduct the amount paid for graduation, to October 1st, $5,327 94, you will have the sum of $11,223 76, as the amount paid out by this department, for salaries, labor, subsistence and contingents.

The amount of cash paid by treasurer on *western division,* for expenses of preliminary survey, is $717 30, and for location, $297 70, as per statements E and F, of F. S. Mosby, assistant.

The amount of unadjusted accounts on *westeen division* is $430 90, and of balance due on salaries and labor, $2,378, as per statement C and D of the same.

The amount due on unadjusted accounts, for the *eastern division,* is small, but cannot be stated precisely, until action is had by the board of directors on some of them.

I have thus given only a synopsis of all accounts. Those who are more curious, can, by mere reference to the statements referred to in it, get all information necessary to a correct understanding of how all monies entrusted to the engineer department, have been expended.

The package marked Z, of chief engineer's accounts, contains the vouchers for payments made by him, as stated by papers A, B and C.

The harmony and success that have thus far marked the operations of our company; the sobering down of those feelings that operated upon by a mistaken notion of the relative value of pub lic and private interests, in determining great questions of policy, connected with so large and important an enterprise as this, seemed, at one time, calculated to retard the operations. The now cordial and well nigh undivided support given to it by all, and more than all else, the growing appreciation of the necessity of having a road, and of the value of the same when once completed, give us the strongest assurances of our future success.

The recent and important developments of the mineral resources of your State, directly in your midst, in the discovery of valuable coal fields, near the line of your road, forms a new and attractive feature in your enterprize, and will afford one of the largest sources of revenue that will immediately flow to your road on its even partial completion.

Much doubt and speculation existed at the announcement of the fact, that "*bituminous coal,*" of a most valuable character, existed in well nigh inexhaustable quantities, in the vicinity of Camden; and it was not until the enterprise of Major Ezra Hill, of Camden, induced him to obtain the services of a gentleman from Tennessee, for a number of years engaged in the coal-fields on the Ohio river, to visit the ground and make the necessary examinations, to convince the community of the fact that it did exist in quanity and quality, equal to the representations that had been made by him. The examinations of Mr. Wyatt, guided by the former observations of Mr. Watson, (also of Tennessee,) another practical coal miner, lead to the discovery of a vein six feet four inches thick, with a front on the Ouachita river, of not less than seven miles. There can be no doubt that it extends much farther, from the fact that another "mine" was discovered near Beach Hill, and the land purchased by the same gentleman owning the one above Camden.

This coal is unquestionably that described by Professors Hitchcock, Brande and McNeven, as the "*second*" variety of "*pit coal,*" known as "*black coal;*" and my reasons for saying so, are simply these: All the experiments made by myself, showed it distinctly and strongly bituminous. In an open fire-place used for wood only, with only three small slats of iron as a grate, I caused some of the coal to be placed, and kindled with a little wood, the coal burned when once ignited, with an intense heat, emitting a clear *white* flame, *hotter*, *greater* and more *brilliant* than I ever observed from the best Ohio river coal, under the same circumstances; and so soon as a draft was created by such crude means as we had at disposal, which was simply a wet towel stretched across the opening of the fire-place, an amount of brilliant flame, and an intenseness of heat was produced, unequaled by any coal I had ever seen. The coal, though burning with such great heat and light, was not rapidly consumed, but burned equally as long as any Ohio river coals I have been in the habit of using. The residuum was very small, being a rich red ash, exceeding free from cinder, or any appearance of the "*unaltered vegetable extract,*" or "*resin,*" that characterize the "*first variety*" or *brown coal;* the whole experiment proving that the conjectures as to its being "*glance coal,*" were unfounded.

I made a further experiment, with a small sheet-iron retort, with an opening at the neck of half an inch. Into this I put half a pound of coal, and placed the retort on an ordinary wood fire. So soon as the coal was ignited even partially, its gaseous properties were so freely disengaged, that on opening the mouth of the retort, and applying a candle to it, it burned with an exceedingly bright flame, equal to the light of two candles in a room of the same size.

I have seen no notice of this coal having been found so far south as this before; latitude 33 deg. 40 min.—longitude 93½, within the limits of Arkansas; but we do know of it north of us, bewteen Forts Ouachita and Smith, on Coal creek, near south fork of Canadian, as described by Capt. Marcy and others. Maj. Emory found bituminous coal in abundance in latitude 41 deg., longitude 105 deg.; and as we know of its extending over at least half a degree of latitude near Fort Belknap, on the Brazos river, viz: from lititude 33¼ deg. to 33¾ deg., in longitude 98 to 99, it is by no means strange that it should make its appearance here; and the recent discoveries here only go to confirm the opinion put forward in the "Natural History of the Red river of Louisiana," that nearly the whole of this vast region of the south-west is underlaid with coal, either bituminous or anthracite.

The value of two coal depots—the one at the mouth of Red river and the other at the eastern terminus of our railroad, could scarce be estimated. For the sake of the steamboat interest alone, a supply of 100,000 tons could readily find a market the first year; and, with the certainty of a supply, the amount would be greatly increased in twelve months. All of which could easily be supplied through one road, even without the aid of the Ouachita navigation.

The gentlemen from Tennessee have purchased largely of property in Camden, and are making their arrangements to deliver at the mouth of Red river, so soon as the water will permit, a supply of 20,000 bushels per week.

I have felt it my duty to say thus much in reference to this matter, because I conceive it has an important bearing upon the value of our road.

The wise and timely suggestion of your Governor, proposing to subscribe half a million of acres of the swamp lands, at certain rates to be determined upon, as stock in your road, will, I hope, meet with a most cordial reception by your legislature. Some such plan must be resorted to, before the whole of that magnificent donation by the government shall have been squandered. The suggestion is not only a wise and judicious one, but perfectly in keeping with the design of the donors. Its legality is unquestionable; the government placed Arkansas directly in the position of a proprietor, leaving it to the wisdom of her legislators to determine the best mode of disposing of them. If the State has a right to issue scrip, payable in these lands, for building these levies, she has a right, and it is her duty, to take some timely steps to provide for maintaining them. Is there no danger of their giving way? Is there no danger of all the swamp lands, that could be offered in payment for scrip, being used up? An investment of 2,500,000 of acres, as stock, say at only fifty cents per acre, gives $1,250,000, which, at only 6 per cent. gives $75,000 per annum, from this source alone, towards maintaining these levees built at such an immense cost. The State cannot expect private individuals to maintain them. Some one controlling power, having an eye to general good, and not individual benefit, resulting in many cases to individual loss by one neighbor turning water off his own, but on to his neighbor's plantation, must regulate these things. Let the State go on in the old way, and how long before all the lands are squandered, and the State in nebt on account of them? The recommendation of your Governor is a wise one, and will, I hope, meet with a hearty response. The effect of this subscription would enable you to build your road promptly. It can be made to spring into existence, and bestow its countless blessings on your people. So will it be with the other proposed roads, and through the instrumentality of such means as these can you raise the credit of your State to the point it should maintain with the sister States. All the legislative acts you can hope to pass in the next century, without them, will never place your State where it will be, with a judicious system of railroads. What railroads have done for other States, they will do again for Arkansas. The problem has long since been solved, *with* them you can be *any thing; without* them you can be—*what you are.*

I regret that the legitimate length of my report will not allow me to go fully into the matter of providing the whole amount of ways and means for the speedy building of your road. More than this, I conceive it to be appropriately the duty of the president to lay these matters before you. If I mistake not the spirit which actuates your stockholders, I am confident that the plan can be easily suggested, and as easily carried out, with the present resources even at your disposal, and a subscription of 500,000 acres by the State, your road can be put in full operation in two years. It will be my duty and my pleasure to co-operate with your president at all times, in furtherance of this and all other matters connected with our road. It will require but unity of purpose, and good understanding to be maintained, a cheerful and prompt performance of duties, as well as compliance with such resolutions as may emanate from your own body, or that of the board of stockholders, to carry forward to successful completion the great work in which we are engaged. I take this occasion to tender to the president, engineers and all officers of the company, my thanks for the constant, able and courteous support they have afforded in carrying forward thus far the work entrusted to my care.

I have the honor to remain,
Respectfully, your ob't serv't,
LLOYD TILGHMAN,
Chief Engineer and General Agent.

B.

SECRETARY'S REPORT.

M. O. & R. R. R. ROAD,

1854. *In Account Current.*

			Shares.		
Nov.	8.	To amount stock, as reported Feb. 16, 1854,	2498		$249800 00
“	“	To amount stock available by location of the road and line,	1814		181400 00
“	“	To amount stock, by contractors for work, to date,			45748 99
		Total amount in stock,			$476948 99
“	“	Total amount stock upon which calls are due	4110		411000 00
“	“	Total amount stock upon which calls are due 1st January,	202		20200 00
“	“	Total amount stock due in work,			45748 99
		Total,			$476948 99
		CONTRA:			
“	“	By amount of calls due on $411,000 00, 15c.,		$ 61600 00	
“	“	By amount call due 1st January, on $20,200 00,		3030 00	
“	“	By amount in stock due to balance,		412268 99	
		Total,		$476948 99	$476948 99
		CASH BALANCE:			
“	“	To amount cash to date, paid treasurer,		$ 7810 11	
“	“	To amount cash, by treasurer, to 7th July,		17871 00	$ 25681 11
“	“	To amount due on calls, to balance,			35968 89
		Total,			$61650 00

CONTRA:

Nov. 8. By amount paid sundries, to date, (treasurer's report,)	$ 24545 18	
" " By amount due on calls,	35968 89	
" " By amount due from treasurer, to balance,	135 93	$61650 00

E. & O. E.

The preceding report, in a condensed form, will give the total amount of receipts, disbursements, etc., to date.

We will first take up the stock account. The total amount of stock taken up to the last stockholders' meeting, Nov. 15, 1854, was 2498 shares—$249,800. Since then, there has been subscribed, and added to that amount, 1814 shares—$181,400; making the sum total, to date, in shares, 4312 shares—in stock, $431,200. Add to this amount $45748 99, amount reported to this office by Capt. Lloyd Tilghman, as stock taken by contractors, and due to date, and you have the total amount stock in the M. O. & R. R. R. R., to date, ($476,948 99.) Calls amounting to 15 per cent. per share, on each share of stock subscribed, have been made. The amount of stock upon which said calls were made is, $411,000: the per centage of which is $61,650. Since the 7th of July, there has been subscribed, in stock, and entered upon the books, 202 shares—$2,200: the previous calls upon which are not due until the 1st January next. There has been collected by the treasurer, up to the 7th July, on the above amount, ($61,650,) $17,871; by the secretary, agents, etc., since then, $7,810 11—amounting in the aggregate to $25,681 11; leaving a balance yet due and unpaid, of $35,968 89.

The disbursements, under their proper heads, will be given you by the treasurer, in his report.

The above exhibit places the position of affairs, I hope, in a proper light before you. I would, had I thought it necessary, given you a longer report of the affairs connected with this office. But, as Mr. Rounsaville, as treasurer, will particularize, I deem it unnecessary.

Respectfully, etc.,
JAMES T. ELLIOTT, *Sec'y*
M. O. & R. R. R. R. Co.

Camden, Ark., Nov. 10, 1854.

C.

TREASURER'S REPORT.

Treasurer's Office,
Mississippi, Ouachita, and Red River R. R.
Camden, Ark., Nov. 13, 1854.

To the President and Directors of M. O. & R. R R. R. Co.:

Gentlemen—I herewith have the honor to make the following report, on the operation of the treasury department of the M. O. & R. R. R. R. Co., since the organization of said company:

Statement of Receipts and Disbursements by the Treasurer of the M. O. & R. R. R. R. Co., from November 9, 1853, to date.

RECEIPTS:

By amount paid me on calls,	$17871 00	
" " " " by treasurer,	7810 11	
" " rec'd from sale of personal property,	275 00	$25956 11
" " paid by H. Frillson & Co.,	157 10	157 10
Total,		$26113 21

CONTRA:

To amount paid to, and disbursed under the direction of engineer department,	$18445 57	
" " disbursed by myself, as treasurer, for personal property, salaries, and contingent expenses,	7190 37	
" " balance due by agents,	65 95	
" " bills receivable	275 00	
" " cash on hand,	136 32	$26113 21

E. & O. E. P. K. ROUNSAVILLE, *Treasurer.*

Note.—Since making the above settlement of my books, there has been paid, by stockholders in attendance at this annual meeting, the sum of $8,500—making the actual receipts $34,613 21.

P. K. ROUNSAVILLE, *Treasurer.*

D.

REPORT OF COMMITTEE ON ACCOUNTS.

At the annual meeting of the stockholders of the M. O. &. R. R. R. R., on the 15th November, 1854, we, the undersigned, were appointed a committee to investigate the accounts of Capt. Lloyd Tilghman, chief engineer, and of his first assistants, to wit: Capt. F. S. Mosby, first assistant, on the western division; and Capt. Geo. F. Fuller, first assistant on the eastern division, of said road; and the accounts and books of the secretary and treasurer of said company.

We do hereby submit the following, as our report: That on a thorough investigation of the accounts of all moneys received and disbursed by the chief engineer, and his assistants aforesaid, and the private books and accounts of said assistants, we find them all to be correct to a fraction, and that they have accounted for all moneys received by them, and have disbursed the same with as much or more prudence and economy than could have been expected under the circumstances. And that we take great pleasure in saying that Capt. Tilghman, and his assistants, have shown a deep interest for the welfare of said company in their connection with the same, and in our opinion, the stockholders cannot appreciate their services too highly, both as engineers and financiers.

We have also examined the books, papers and accounts belonging to the secretary's and treasurer's offices, and find them correct.

J. S. H. RAINEY,
J. DECATUR HILL,
S. D. HALLEY, *Committee.*

Camden, Ark., Nov. 21, 1854.

REPORTS
OF THE
PRESIDENT AND CHIEF ENGINEER
OF THE
LITTLE ROCK & NAPOLEON RAILROAD.

PRESIDENT'S REPORT.

Office of Little Rock and Napoleon R. R. Co.,
Pine Bluff, Ark.

To the Directors of the Little Rock and Napoleon R. R. Co.:

Gentlemen: The act incorporating the Little Rock and Napoleon Railroad Company, was passed 12th January, 1853. Notice having been given in the Pine Bluff Republican, requesting the citizens of Pulaski, Jefferson, Arkansas and Desha counties, to hold meetings and appoint delegates to meet in convention, at Village Church, in Arkansas county, on the 27th April last, for the purpose of taking initiatory steps for the organization of the company, under the charter for the Little Rock and Napoleon Railroad, said notice was responded to by all the counties named, except Pulaski. Commissioners were appointed, and the convention adjourned to meet again on the 17th of May, at which time a resolution was passed requesting Gen. James Yell and myself to secure the services of an engineer, and it was ordered that books, for subscription to the capital stock, be opened.

It is worthy of remark, that with less effort than was ever made upon any line of road, the sum of two hundred and fifty thousand dollars of stock was subscribed; and we have the assurance that, as soon as the books are again opened, the subscription will be largely increased. We have also assurance of substantial aid from the merchants of New Orleans, who are deeply interested in the success of this road.

Due notice having been given, the stockholders met at Pine Bluff, on the 4th of July, and elected a board of directors; and on the second Monday of August, the board elected B. W. Lee President, R. V. McCrackin, Secretary, and Drew White, Treasurer. The presiding officer being absent from the State, Gov. John S. Roane was elected president pro tem., and a resolution was passed instructing him to procure the services of an engineer, to make the survey of the route, etc. It is due to General Yell and Gov. Roane to say that they, acting under these resolutions, immediately opened a correspondence with several engineers, and but for the delay arising from unforseen causes, the survey and report would long since have been made.

I was absent on a visit to the State of Virginia when the letter of your secretary, announcing my election to the presidency, arrived, and I did nor receive it until my return to Kentucky, in September last. I at once addressed a letter; and, for the purpose of certainty, I telegraphed to Capt. Lloyd Tilghman, at Paducah, Ky., and received from him a favorable answer, accepting the appointment of chief engineer of the road. At the same time, he also informed me it would be necessary to deposit funds at Louisville, for the purchase of instruments and for the outfit of the party.

I immediately proceeded to that city, made the deposit of funds as requested, and so informed Capt. Tilghman, by telegraph. It is gratifying to observe that, in less than a month from the date of Capt. Tilghman's appointment, as chief engineer of the Little Rock and Napoleon Railroad, that energetic gentleman had his surveying corps fully completed and organized, to facilitate which it was necessary to procure the camp equippage from the Camden and Ouachita Railroad Company, for which we are indebted.

Under charge of first assistant engineer, Wm. M. Johnson, esq., the party commenced the survey at Pine Bluff, in the direction of Napoleon, on the 19th October, and continued their labors with all possible dispatch. It is due to Capt. Tilghman, to state that his high professional reputation abroad, as well as in Arkansas, has been fully sustained on this line, and I refer you, with great satisfaction, to his report.

As this is but an experimental line, I respectfully suggest that this efficient corps of engineers be directed to continue, and that their services be retained until the road is permanently located. The profile and maps of the survey will show more fully and satisfactorily the peculiarities of the country along the proposed line of road; and their attentive examination guarantees the belief that this road can be built at less cost, with greater facility, and will have a greater maximum speed, than any road of the same length in the State.

In connecting the Little Rock and Napoleon Railroad with the Fort Smith and Little Rock Railroad, they should be considered as on line, and should be entitled the "Arkansas Valley Railroad." The extent of the Arkansas valley, lying between the dividing ridges of the White river and the Ouachita, and the fertility of the soil, the variety of its productions, the mineral treasures it is known to contain, etc., will give to this valley railroad greater advantages than is possessed by the same extent of country any where upon the continent of America.

It is so peculiarly situated that it will never be interfered with, so as to lessen its profits by a parallel road, which has been the case in other States, where a road has been found to be very profitable; therefore, we are assured of a constant increase of travel and freight on this road, without the possibility of any other line drawing it from us.

The main question in the construction of roads, is this: What is the greatest importance to the State? To this question there can be but one answer, viz: That which is calculated to add to the country the greatest amount of population and wealth. Then, if we are governed in this respect, let us take a view of the valley through which this road is to pass. Commencing at the Mississippi river, it will pass through what is now admitted to be the finest cotton lands in the South, as regards both production and staple. The country above Little Rock, when we come to the hilly or mountainous part of it, is stored with those minerals which constitute the wealth of other States—coal, iron and lead, in great abundance. The water courses falling into the Arkansas river, on either side, affording an abundance of water-power for manufacturing purposes, together with a climate unsurpassed for health by any portion of the State; and, upon the completion of the Arkansas Valley road, will open a finer field for the capital and manufacturers of other States, than any other that can be found in the Union at the present day.

That numbers of such persons will avail themselves of this great opening for enterprise and industry, no one can entertain a doubt, when we look at the progress and rapid extent of manufactories in other portions of the country not possessing half the advantages. Independent of throwing open to them the great market of the South, which all are competing for, and so many amassing fortunes, when it is a well known fact that heavy articles of manufacture cannot be transported a long distance, by railroad, at a cost to justify the manufacturer in sending to market in that way. Heavy articles, therefore, of agricultural produce, and manufactures of the Arkansas valley, would have a monopoly of the market, during the winter and the low stage of water in the Ohio river; and to direct them otherwise would be, to use a common phrase, "like carrying coal to Newcastle."

Independent of these advantages, those counties in the north-western part of the State, south-western Missouri, and the southern portion of Kansas, with the Indian country beyond, must always follow this route, as the natural outlet to the market; and we would see what is called the frontier road, running on the western boundary of the State, constructed in a few years, if not as soon as the road from Fort Smith to Napoleon. Then, if we cast our eyes across the Mississippi and examine the map, we find that a connection can be formed with the great Mississippi Central railroad, passing through the richest portion of the State of Mississippi; and as some persons appear to have the one idea of making at the terminus, a great commercial city, we cannot see why the terminus at Napoleon, being the depot of the valley of the Arkansas, could not, in a few years, come up to their expectations, both in point of commercial wealth and population.

Is there anything impracticable in this, when we see it developing at Cairo, the terminus of the Central Railroad of Illinois, a point of land full fifteen feet below high water mark, which, if the predictions of the knowing ones are reliable, is destined to become the great city of the West; and, when we look at that site as the depot for one of the most important railroads in the West, and compare the country through which the road passes, few can admit, its resources being purely agricultural, that they are equal to the varied resources, both agricultural and mineral, of the country through which the Arkansas Valley road passes.

It should be observed, too, that above Napoleon there are obstructions, by sand-bars, in the Mississippi river, while the very largest class steamboats can, at all seasons of the year, run from that point to New Orleans, without the slightest obstruction. Then let our western brethren look well to their interests, and identify themselves with those who can and who wish to advance their prosperity.

As the lower Arkansas region is, and must for all time to come be, a cotton growing country, ours may justly be called a consuming, while theirs is a producing country. We want and have a constant demand for all their products, viz: Bacon, lard, flour, butter, cheese, potatoes, apples, corn, etc., and last, though not least, their iron. Besides, they not only have a beautiful, but a high and healthy country, abounding with mineral springs, the sanitary properties of which are unequalled, and a railroad from Napoleon to that section of our State, would attract thousands of visitors from Mississippi, Louisiana, and the southern counties of Arkansas, who now annually go north in quest of health and pleasure. And what is to prevent, in this healthy and abundant country, the establishment of academies and colleges for the education of our children? Many thousands of dollars are now annually expended out of the State, for these two items alone, which can be kept at home by the building a railroad from Napoleon to Fort Smith. Our planters will, doubtless, as soon as the Little Rock railroad is completed, or before, subscribe for stock in the road to Fort Smith, and hasten that connection, so important to both ends of the Arkansas Valley railroad.

And what shall we say to the citizens of Little Rock? While we would gladly see her the proudest city of them all, unless she will wake up, and take advantage of the great benefits which nature has so abundantly placed around her, I fear other towns will spring up and take those advantages from her, and leave our central city a mere cross-road or watering place. Within a few miles of coal and iron, with lead at her doors, and cotton all around her, with the Fort Smith branch and the Napoleon road, what is to prevent her from becoming a large manufacturing city?

Take heed, or Pine Bluff, with her abundance of wood, will start a cotton factory in advance of you. If all who are interested will come up to their duty, this line of road can soon be completed. The uncertainty, nay, the almost entire absence of navigation, in the Arkansas river, make the Little Rock and Napoleon railroad a fixed fact; because it is the inevitable result of the great law of necessity, and consequently about which it is entirely useless to argue. It may be procrastinated, but cannot be prevented.

If, in the wisdom of the Legislature, Napoleon is made the terminus of the eastern branch of the Cairo and Fulton railroad, the grant of land, and the increased subscription which will be gained by the confidence it will bestow, will insure the certain and speedy building of the Little Rock and Napoleon railroad; and I verily believe it can be completed in two years or less.

All of which is respectfully submitted,

B. W. LEE, *President.*

CHIEF ENGINEER'S REPORT.

Engineer's Office,
Little Rock and Napoleon Railroad,
Little Rock, Ark., Dec., 1854.

To the President and Directors of the L. R. & N. R. R. Co.:

Gentlemen: I beg leave to submit for your consideration the following report on the preliminary surveys of the Little Rock and Napoleon railroad:

On the —— day of October, I received from your President, Dr. B. W. Lee, notice that the charge of this work had been confided to my care, with a request that I should commence the field work as speedily as practicable, in order, if possible, to lay before the legislature of this State, about to assemble, the result of my investigations, and enable the company to act advisedly in any matter they might wish to bring before that body.

Without losing any time, a party was organized, at the head of which was placed Mr. W. M. Johnson. Instruments and the usual outfit of camp equipage having been procured, the survey was commenced at Pine Bluff, with the intention of completing first of all the examinations between that point and Napoleon, before wet weather should set in.

This route being necessarily confined to the bottom lands of the Arkansas river, it was not to be expected that any other difficulty would be encountered in determining the best route, than the avoidance of several lakes; and after reference was made to several maps of the country, particularly that compiled by Mr. Langtree, I at once conceived the idea of connecting Pine Bluff with Napoleon by a straight line. The initial point in the town of Pine Bluff was fixed at the intersection of Main and Lindsey street, and the course of the line to connect it with Napoleon being about S. 66 deg. E. The survey was made to conform to that line, and was actually continued as far as the plantation of Thomas Douglas, a distance of about 25½ miles. On reaching that point, it was believed best to incline the line a little to the northward, so as to secure a suitable crossing of Cypress creek and Oaky Wood bayou, and avoid the low swamps supposed to be contiguous to those streams; not giving up, however, the idea originally entertained of perfecting a straight line, a line was run bearing more to the north, until gaining a departure of about two miles from the original direction, a more southern course was assumed and continued until it reached the point that the original straight line from Pine Bluff would have occupied, just south of Gen. Mitchell's plantation. From thence to the Mississippi river, at Napoleon, the route assumes, with very slight variation, the original contemplated air line, passing just south of Calvin Strand's, north of Secrese's and south of Birt's.

It may be, however, that after leaving Gen. Mitchell's, the route might be inclined to the northward slightly, so as to pass near G. B. Watson's, on to the township line, 1½ miles east of his house, when it should assume the direction of a straight line to Napoleon. This route would secure higher ground, and avoid an ugly point in Cypress creek; but as to any change in the air line route, from Napoleon to Pine Bluff, nothing should be determined on until further examinations are made. The difficulty at Cypress creek, spoken of, is of no consequence, and unless the fact that a somewhat more secure road-bed, and an accommodation of a strong planting interest, on the route by Watson's, should be deemed sufficient, the route may be considered as fixed as an air line, and the distance to be about 59 miles 940 feet, depending on the point at which the terminus at Napoleon is fixed.

The total fall, from the initial point at Pine Bluff, to the bank of the Mississippi river, at Napoleon, is just 70 feet; and the fall from low water at the Bluff, to low water at Napoleon, is also 70 feet, being an average of —— per mile, for the computed distance by water.

The fall in Arkansas bottom is not uniform, and therefore induces a grade of very short length of three feet to the mile, in the direction of the heavy trade. This is done to secure a road-bed in embankment entirely; but so short are these grades, that for the practical working of the road, we may assume the characteristics of the line between Napoleon and the Bluff, to be a straight line, with level grades—the fall, in direction of Napoleon, being at the rate of 1.16 feet per mile, and in favor of the heavy trade as before stated.

Comment, upon so superior a line as this, is superfluous. No line in the State can, for the same distance, be worked so cheaply. Its directness and grade enable you to use a light rail, and what is of still greater consequence, a light engine. The immense wear upon the rail by heavy engines, on curved lines, will be avoided, and the immense outlay, annually, for repairs of road-bed, materially reduced. Cypress creek is passed by trestle-work of the most permanent character. The timber used for this purpose will be the best white-oak, of which there is an abundance along the whole route. This work is to be framed with great accuracy, and securely bolted and tied with iron bolts. The opening at Cypress is made ample in the extreme, to guard against any contingencies in the future. Choctaw, Oaky Woods, and several smaller bayous, are crossed by small beam truss bridges of spans of 30 feet. So inconsiderable is this item of bridging, and so little does it affect the work of the road, that I can give no better idea of the real character of the line, from the

Bluffs to Napoleon, than by saying that a passenger train could easily, and with entire safety, make the trip in one hour.

Great care has been taken to determine the cost of this work. Hence the absolute number of cubic yards of material to be moved, has been ascertained for every one hundred feet, with a contingent quantity of 10 per cent. thereon; the items of trestle-work, culverts, etc., accurately calculated, and the prices assumed are higher than those given for work on the other routes that have been reported in the State.

STATEMENT OF COST OF GRADUATION FROM NAPOLEON TO PINE BLUFF.

535,780 cubic yards earth from ditches, at 16 cts.,	$85,724 00
Trestle-work, 2,000 feet, at $5.	10,000 00
Drains, 1,000 feet, at $2,	2,000 00
Bridging, 360 in spans of 30 feet, at $6,	2,100 00
Grubbing and clearing 58 miles, at $250,	14,500 00
Total cost,	$114,324 00

Immediately after completing the survey to Napoleon, the party returned to Pine Bluff and took up the route for Little Rock, starting from station O of the first line.

It was found necessary, in order to avoid various obstables on the direct route, to run west from this point a distance of four miles, to a point about one mile west of the forks of the Princeton and Little Rock roads; this westing carried the line out of the broken and low grounds bordering the river, and enabled us to assume an air line for Little Rock, bearing N. 28 deg. W.; which was continued a distance of 18½ miles, passing near McAllister's. On reaching this point, 22½ miles from the Bluff, it was found necessary to bear more to the left, for a short distance, until avoiding the old river sufficiently, a course bearing N. 7 deg. W. was taken, passing just east of Judge Campbell's. From thence the line passes by way of Pennington's Mill, Lee's Ferry, Widow Rose's, McCreight's and Clarke's, passing the Granite mountain, about one mile east of the main road, crossing bayou Fourche, about a mile east of the new bridge, and thence to the city of Little Rock, the survey terminating in front of General Hempstead's house.

From Pine Bluff, a distance of twelve miles, the route passes over very easy ground, the road-bed being raised very slightly above the material surface, with a slight undulating grade, not exceeding ten feet to the mile, ascending westward. Thirty feet to the mile eastward was found necessary, and adopted as the ruling grade in the two directions.

On reaching a point twelve miles from Pine Bluff, the ground becomes more broken, and a new line was traced from Judge Campbell's back towards the Bluff, passing south of the old route, and crossing Tar Camp road six miles from Judge Campbell's, and one quarter of a mile east of Tar Camp; from thence the line gradually regains the old survey, by keeping on the slopes of the hills, until it joins at station 690 of that line. The character of the line was materially improved, and will admit of still greater changes on the ultimate location.

From Judge Campbell's the route is very easy to Little Rock, the crossing of Granite mountain being effected by the maximum grades, with a cut of 24 feet.

No bridging will be required of a greater span than 30 feet, and this in only two or three instances. About one thousand feet of trestle-work will accommodate the overflow near Campbell's, whilst small brick and arch culverts, under the heavier banks, will effect the drainage on other parts of the line.

The distance from Pine Bluff to Little Rock is 40 miles 400 feet. The maximum grade will be as stated, 30 feet to the mile, and the smallest curvature that of 1,910 feet radius. About four-fifths of this line will be straight, the maximum curvature used but once or twice for short distances, and all other curvature of not less than one mile radius.

The total distance from Little Rock to Napoleon may then be stated at 99 miles 1,340 feet, and the route described as one commending itself as highly as any in the State for the ease with which it can be maintained and worked.

The following table will show the cost of the graduation, masonry and bridging, on the division from the Bluff to Little Rock:

Earth work, 606,383 cubic yards, at 18 cents,	$109,148 94
Rock, 3,400 " " $1,	3,400 00
Trestle work, 1,000 feet, at $5,	5,000 00
Bridging and culverts,	50,000 00
Grubbing and clearing 39 miles, at $250,	9,750 00
	$177,298 94
Add cost of groduation for eastern division,	114,344 00
Total cost graduation,	$291,622 94

In estimating the cost of the superstructure, I will assume a weight of rail of the T form, the same as that estimated for the Fort Smith road, of 50 lbs. per yard, with the same style of fastenings, ect.

The prices assumed by Messrs. Hunter, Williams and Barney, are too high. I am opposed as much as any one to under estimating, but it is useless to place the iron above what it can be bought for now. The best informed agents in the north have no idea that the price can ever reach the high figures paid some time back.

Capt. Childe, of the Mobile and Ohio road, bought iron just twelve months since, that cost him about $62 50 delivered at Paducah. Iron has sustained a gradual fall ever since, until Col. Ferguson, who is connected with the Memphis and Grenada road, has only to-day informed me that he had just closed a contract for fifty miles of best English iron, costing him $42 at New Orleans. Now add 30 per cent. for duty, 50 cents for commissions, and $4 freight to Memphis, and he gives me the price at Memphis to be $59 10.

Col. Ferguson declined purchasing for more than about fifty miles, from the fact that it was believed the price would still decline. Offers were made for his whole road of 95 miles at these rates, taking Memphis, Tennessee, and Company bonds, at fair prices, no absolute cash required. To save all unnecessary comment, I shall place iron at Napoleon at $65, and we have the following estimate for a mile of superstructure. The track will be laid with heavy white oak cross ties, eight feet long and six by ten—on a sub-grade—and filled in with clear sand, as no gravel or stone presents itself along the line in a convenient position:

SUPERSTRTCTURE.

79 tons T iron,* per mile, at $65,	$5,135
2,640 cross ties, at 20 cents,	528
5,860 lbs. spikes, at 5 cents,	293
8,000 lbs. chains, at 4½ cents,	360
Track laying, straightening and curving iron,	600
	$6,916

LOCOMOTIVES AND CARS.

3 passenger engines, of 16 tons, at	8,000,	$ 24,000
3 freight " 18 "	9,000,	27,000
1 engine for miscellaneous work,		8,000
5 first class passenger cars,	2,500,	12,500
2 second class, emigrant cars,	1,500,	3,000
2 express and mail cars,	1,300,	2,600
50 freight cars,	600,	30,000
10 gravel "	200,	2,000
10 crank "	100,	1,000
		$109,600

Shops, depots and stations,	$100,000

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* NOTE.—This weight of iron is deemed sufficient for a road of such light grades, and little or no curvature.

RECAPITULATION.

Length of road, with 1 mile in 20 for sidelings and depot track, 105 miles, at $6,916,	$ 726,180 00
Locomotives and cars,	109,600 00
Shops, depots and stations,	100,000 00
Total cost, superstructure and equipment,	935,780 00
Total cost, graduation, etc.,	291,622 94
Engineering,	30,000 00
Total cost of road,	$1,257,402 00
Average cost per mile,	$12,669 00

Having disposed thus briefly of this branch of our subject, I will as far as time will permit, look into the merits of this question of building a railroad from Napoleon to Little Rock, there to connect itself with the great artificial artery to be constructed up the valley of the great Arkansas, for the purpose of developing that vast region of country, so full of interest not only to your own people, but to those south of you, who depend upon other climes than those of a cotton and sugar producing one, for their subsistence.

I feel, gentlemen, the importance of the task that has fallen to my lot. There are, I know, vast and important results depending upon the solution of this "digest of a system of internal improvements in the State of Arkansas." Your State has reached a point in its history, when it becomes necessary to do something for the benefit of the population that her rich and virgin soil seems attracting to her borders. Nature has denied her the benefits of good navigable streams, upon which to transport her heavy and bulky products. The immense loss annually sustained by your people by excessive charges for transportation by horse power, steamboat and flat-boat, weighs like an incubus upon their energies. The history of the world goes to show that without the facilities of commerce, commensurate with the wants of the people and equal in character to those of your sister States, no State can expect to compete successfully in the race, for either social, commercial or political greatness, much less for supremacy. Your people are aware of the fact that railroads alone can bring relief. They have before them the experience of well nigh 20,000 miles of road now in operation, costing an aggregate of over $600,000,000 to prove that the ingenuity of man has never brought to light so great a desideratum, to the solution of the problem of human progress, as the invention of railroads; and it would, I feel, be a useless waste of time to argue a point vindicated so fully by such experience as we have before us.

But if the practical solution of the question in the abstract, has been made, and we adopt the experience of the past as a test on this point, let us not omit to look well into that experience, and using it as a beacon light, avoid the quick-sands upon which, for the want of that experience which their's has furnished us, they have either well nigh been wrecked, or obliged so to change their chart as to suit those great *axioms*, alike true in commerce as in mathematics, and that the strong sympathetic tie between producer and consumer, based upon and growing out of their necessities, controls, viz: that commerce must and will naturally flow upon the shortest line connecting them.

The hasty and inexperienced action of many States in the infancy of railroads, in overlooking these great principles, and electing certain routes at variance with what should have been regarded as fixed laws, had a tendency not only to retard the progress of railroad improvement, but to make it for a time a very doubtful problem as to utility. Roads were built under the most sanguine expectations; many succeeded, those alone however that were built in obedience to those fixed laws; all others dragged their slow length along, and only gained a healthy and profitable existence when such changes were made in the system, as to bring them alike under its influence.

Arkansas stands now where many of the older States once did. She is about to form the first great trunk line of her railroad system. A misconception of where these lines should start from and lead to, as well as a mistaken view of the elements that are to form the support of these roads, may compel her to struggle year after year in their construction. They may legislate as they may—foreign aid must be procured. But unless the intelligent capitalist of the north, who, from a long and often dear-bought experience, has purchased the correct understanding of the commercial merits of all projects submitted to his consideration, so soon as a map of the region through which it passes is placed before him. I say, unless he can see your people so framing their system, and guiding it according to the principles all admit to be sound, he will turn a deaf ear to appeals for aid, and the door will remain closed against you until your plans are changed.

The vast system of railroads in the United States, starting from the shores of the Atlantic, lingered for many years on the eastern slopes of the Alleghany mountains. Strengthening in their progress, the spirit of internal improvement crossed the mountains and reached the banks of the Mississippi. Every successful effort based *upon* the principles I have laid down; every unsuccessful one, those that strove against it. Missouri took up the spirit, and her first effort was to reach her arm forth westward and up the valley of her great river. So with those north of her. Texas, on the south, proceeded in obedience to the law. Arkansas in the projection of her Mississippi, Ouachita and Red river railroad, aimed to find the shortest line from her vast Red river regions to the Mississippi river; and has now before her the plan for continuing the system.

With such responsibilities resting on me, believe me, gentlemen, I shall strive to do my duty. True it is, I am identified as an officer with several of the routes now proposed for the patronage of your State; but I humbly conceive that it is my good fortune to be thus situated, for beyond doubt, the Mississippi, Ouachita and Red river road—administering as it does to the whole belt of counties along your southern borders, and affording an outlet to the rich valley of the upper Red river—has a position that challenges all criticism. It merits all appreciation at home and abroad. Nevertheless, I do not undervalue its merits, when I say that the Little Rock and Napoleon road, viewed as a part of the great line asking for aid to extend it up the valley of the Arkansas, piercing the vast grain, mineral and stock growing region in your north-west, is more comprehensive in its system, and bestows or will bestow a greater amount of good upon your own and other States, than any other road now under consideration by your legislature. I shall therefore not attempt to impose upon the credulity of the community. I shall contend for and demonstrate a fact in relation to the Napoleon road, that will challenge the closest scrutiny. With such plain facts before me, I need not draw on my imagination to prove it, when I say, that so far as the outlet for the rich products of the north-west, as well as for the immense *import* trade into the regions depending upon the road leading to Fort Smith, no other route can compete with it, and that an attempt to reach the Mississippi at any other point, will impose a tax upon the export and import trade of the country, that has but to be pointed out to be fully appreciated. I desire not to be considered a partizan; and, in drawing a contrast between this and other rival routes, I shall only state those practical facts about which there can be no speculation, and endeavor to give such information to your people and to your honorable Legislature, as they expect and desire, to enable them to come justly to a conclusion in which is involved so much of interest.

Before proceeding further in this matter, it will be well for us to consider, and fix upon those elements out of which are to be gathered the business of your road; and to do this we may settle down without discussion upon the fact that freights and passengers compose these elements.

Your people, all must admit, are not a traveling people; a very few travel for pleasure, many do not travel any, and by far the largest part who do move, are those of the business community. We have but to determine then in what direction the resources of the country tend, to discover at once, where the travel goes.

To get at the relative merits of any of these rival routes, to the Mississippi river, I know of no plan to reach it better than to institute a comparison at once between some two of them, and to do this I shall select the Memphis and Napoleon lines, and I have only to hope that those who argue contrary to the view

I present, will look at all the facts of the case, as I present them, and if I assume premises not tenable, refute them by an exhibit of the error into which I have fallen.

Let us now *assume* that with the two roads built, each of them will do the business, along their respective routes, from Little Rock to Memphis, and from Little Rock to Napoleon, without competition; an *assumption* that will not follow when the result is tested, if there is any truth in the fact that your people understand domestic economy. The question then naturally arises as to which of these two routes will best accommodate the interests of the heavy grain, mineral and stock producers of the north-west. I ask, is Memphis a consumer of all these articles? Does she afford a market for them? And if she was, would not your products come into direct collision with those of Missouri, Iowa, Wisconsin, Illinois, Ohio and Kentucky? Carried there by a cheaper communication than railroad, they could undersell you in a limited market.

The friends of this route do not for a moment assume so absurd a position as this, they know that the ground is untenable.

The southern coast and New Orleans form the market for these articles. This we all know; and I ask the plain question, *supposing* all other matters equal, is not Napoleon two hundred miles nearer New Orleans, and favored with better navigation? At any rate, a bushel of corn would be worth as much to the producer at the one as the other, and Napoleon still have the advantage by reason of greater proximity and better navigation to market.

But, let me ask, are all other matters equal between the two roads? Let us look first to the item of distance from Litlle Rock to Memphis and Napoleon respectively, and see how that effects the pockets of your hard working planters in the north-west. We begin now to get hold of the affections of the people, and nothing removes the scales from off their eyes sooner than these plain practical facts, about which there is no dodging.

The distance from Little Rock to Memphis is stated at 128 miles, that to Napoleon 100 miles. Now let us assume that a rate of transportation equal to two dallars and fifty cents per ton is fixed as a fair rate per 100 miles between the two places, and the same price per passenger, per 100 miles. These are average rates in the United States.

If I may adopt the liberal estimate of A. C. Morton, esq., one of our most distinguished and enlightened engineers, that within a belt of country claimed as tributary to a road, a number of passengers equal to the whole population, (I only assume the white population,) will pass over it at least once a year, and we know that his estimate from absolute returns in New England made it to be over five times the population, and that one ton of freight for every inhabitant will be transported, (though he proves that 1¾ tons was the proportion), let us see how the account stands between the people of this State and these two companies.

From Memphis to Fort Smith, and from Napoleon to the same point, according to the last returns, the population dependent upon this road is computed at 39,169—say for convenience, 40,000. The tonnage by this estimate will be 40,000 tons.

I assume these numbers to be not too large, when we take into consideration the immense emigration going on. Should they be deemed large, it does not affect the question so far as the relative value of the two roads is concerned.

We have then by the Memphis route as follows, assuming half the passengers as through passengers, and half the freight as passing over the whole road:

20,000 tons of freight at $2 50 per 100 miles, for 128 miles, at 3 20 per ton,	$64,000 00
20,000 passengers, at $2 50 per 100 miles,	64,000 00
	$128,000 00

NAPOLEON ROUTE.

20,000 tons of freight at $2 50 per ton,	$50,000 00	
20,000 passengers, at $2 50 per 100 m.,	50;000 00	—$100,000 00
Difference in favor of Napoleon,		$28,000 00

This $28,000 00 is a perpetual annual loss, and charge against the State. This is equal to the interest on say half a million of dollars; or in other words, the Memphis route would require a fund of half a million of dollars, at interest forever, the dividend upon which to be paid over to the people of Arkansas, before their produce would stand them the same, by way of Memphis as by Napoleon, other things being equal.

It cannot be supposed in the first place that the Memphis road would lower its rates of charges so as to compete with the Napoleon road, for the item of charge being in ratio to distance traveled, a diminution in price on one could be met by a corresponding reduction on the other.

It must be remembered that the amount here assumed for freight and passengers is only about what the country would now give. The greatest increase would be in the item of freight, which, taking into consideration the export and import made, would equal an hundred thousand tons in less than three years after the building of the road. All must admit that the great support to Arkansas roads, as to all other roads in the great west, must be the heavy bulky freights, which in all cases pay a greater profit to roads than any other kind, when compared to their intrinsic value.

Few persons not acquainted with the effect of railroads in the United States as well as in Europe, can appreciate the increase in every sort of movement, that invariably follows the building of a road; the vast increase in productions and travel would seem at first to be fabulous, but so it is, especially in reference to roads in our western States.

Like causes produce like effects, and some idea may be had on this subject by reference to the able report of Mr. Morton on the Atlantic and St. Lawrence railroad in 1849; speaking of the results anticipated, and those realized, Mr. Morton says:

"The estimated number of passengers for the Boston and Worcester road before it was completed, was 23,500, and before the opening of the Norwich and Worcester, and western roads which connect with it, they amounted to 78,000, and in 1847, to 548,000. The number of passengers estimated to pass over the eastern road, was 121,700; in 1847 the actual number transported was 893,000. The estimated number for the Fitchburgh road was 71,790—there were transported the first half year, with only half that road in operation, nearly 10,000 more passengers than were estimated for the whole road for the whole year, and in 1847, the number was 484,000. The receipts on the Boston and Lowell road were estimated to be $36,000, in 1847 they amounted to $195,000."

Experience goes to prove that on our western roads, the increase in freights show a much greater ratio than that of passengers.

If such then is the relative value of the Memphis with the Napoleon roads, so far as our own people are concerned say in 1856, when I take only 20,000 tons of freight as passing over them, what will it be in ten years, with 100,000 tons? The tax would then be $70,000, equal to a dead capital of one million one hundred and sixty-six thousand dollars; and claiming only 20,000 passengers at that time, the tax on freight and passengers would be equal to $84,000, or six per cent. on near one million five hundred thousand dollars.

To present this question in another light, and divesting it of any speculation, as some may think proper to call it, I will attack it in another way, and call to my aid the experience of the whole railroad interest in the United States. It is an admitted fact by all railroad economists that, other things being equal, I mean grades, curvature, etc., that the element of distance by any two routes from one point to anoter, decides the relative value of the lines, and that the longer line was chargeable against it through all time, the legitimate item of "equivalent capital" for every mile of excess over the shorter one. This equivalent capital is variously estimated by practical men, but in placing it at $52,000 per mile, I only give the more generally received value of it. Capt. Williams of the Cairo and Fulton road, one well worthy of confidence, places the estimate of equivalent capital on the excess of distance by the Jacksonport route, of 3,500 feet to be $42,100, showing a higher charge per mile than I here assume. This equivalent capiral is, as Capt. Williams says, "a perpetual cost on transportation."

Assuming New Orleans as the market, or ultimate destination of the products referred to above, and the two routes leading there to be via Memphis and via Napoleon, let us see how they compare as regards this perpetual charge:

Length of Memphis road,	128 miles.
" " Napoleon road,	100 "
Difference in favor of Napoleon,	28

We then have for equivalent for distance, at $50,000 00 per mile, for 28 miles, the sum of one million four hundred thousand dollars.

But does the matter end there? Does Capt. Williams in the Jacksonport question merely charge for excess of distance? Had he done so, he would have fallen short of his duty, he adds the difference in cost by the two routes, stated at $17,294, and makes the whole charge against the Jacksonport route to be $59,394. Now let us add to this charge for extra distance, the cost of the Memphis road over that of the Napoleon road, and see how these routes compare in public estimation in their competition for the trade under consideration:

By reference to the report of the Memphis and Little Rock railroad company, it will be seen that the contract price for building the road, on the supposition that the earth work will not exceed 15,000 cubit yards per mile, is stated to be $25,000

per mile, we have then 128 miles at 25,000 per mile,	$ 3,200,000 00
Add to this the equivalent capital for excess in distance,	1,400,000 00
And we have the amount representing the Memphis route to be,	$4,600,000 00

The cost of the Napoleon road, as given above, is $1,257,402 94. This sum is made up of the various items, as stated under their appropriate heads, and is believed to be ample. I assume a weight of iron equal to that used by Mr. Hunter in his estimate of the Arkansas Pacific road, as I consider Capt. Barney's weight of iron greater than we require at present; the price he assumes is higher than allowable by the present known rates for iron in Europe. Capt. Williams estimates his iron at $75 per ton, Mr. Barney and Mr. Hunter at $80—this iron can be landed at Napoleon at this time for $60. The prices for all other items of cost are as liberal as those stated by these gentlemen for other roads in the State, and there can be no caviling on the score of cost, if there is, I should be happy to have the opinion of any of the competent engineers at your disposal in this region.

From the above results is to be seen, so far as we have progressed in this argument, that before the Memphis route, as to the transportation of freight and passengers, but more particularly as regards freights, can compete successfully with the Napoleon route, they must reduce their road to an equality, as to capacity to do business as cheaply, (they never can do it so promptly), with the Napoleon route; this can only be done in one way—and I thus explain it:

Let us suppose that a given amount of business presents itself to these roads. The one, Memphis, measures her capacity of accommodation, by what? The necessity of paying a profit on not the mere cost of her road or $3,200,000 00, but upon the additional for equivalent capital on account of distance, or an aggregate of $4,600,000 00. The other, Napoleon, by the necessity of paying an equal per centum on the actual cost of the road, or upon $1,257,000 00. Hence the Memphis route has a dead capital, so far as the wants of the people are concerned, of $3,400,000 00 to be sustained. The question naturally arises by whom? They did not build the road to support it themselves, and hence they would tax the people of Arkansas with a dividend on $3,400,000 00—the amount of unnecessarily expended capital for their wants, because the Napoleon road can serve them at just that much less.

To reduce this question still more, let us suppose that the necessity exists in both of these companies making six per cent. on the sums representing them respectively—and that a given amount of freight yielding a six per cent. to the Napoleon company, if that company did the business, presented itself at Little Rock for transportation.

The rate of charge assumed by the Napoleon company, I place at 2½ cents per ton per mile, or $2 50 from Little Rock to Napoleon. Then to pay this company 6 per cent. on its capital invested, viz: $1,200,000, or $72,000, by charging $2 50 per ton, would require the Memphis company to be satisfied with the same sum $72,000 as a dividend on its outlay, of cost, of $3,200,000, which would only be about 2¼ per cent., and compel that company to provide its equivalent capital of $1,400,000, at its own expense, involving at 6 per cent. an annual, perpetual loss of $84,000, or as a last resort, be satisfied with a dividend amounting to $72,000, equal to only 1⅝ per cent. Or to make this case still more striking, on a given amount of freight presenting itself, the Napoleon road can carry for about one-fourth, the price charged by the Memphis company, and still declare as large a dividend as the latter upon her capital stock.

The question then arises, is there any necessity in giving State and government aid to the expenditure of so large a sum as $4,600,000, for the purpose of getting the products of your State to market, when an expenditure of $1,200,000 will accomplish the same end?

Another feature in favor of Napoleon certainly is, its greater proximity by 200 miles to New Orleans, and its better and safer navigation.

Unquestionably Memphis has the advantage in a small degree, so far as the travel eastward is concerned, and also for the transportation of a few fancy goods needed by merchants. The heavy freights from the north destined for your State, cannot be expected to take the long line of railroad from Boston or New York, via Memphis, to this part of your State, but by the cheaper route by steamship to New Orleans. Of this there can be no doubt. I presume no one can be so tied down to his own interest as to contend against it.

I have no doubt but that the Memphis road will be of great convenience to the traveling community, and to a portion of the commercial world also, and thus far I am not disposed to undervalue its merits. But looking to the great interests of the State, especially the north-west, every one must see that there can be no question as to the relative merits of the two roads, as recipients of the State's aid.

Most of the arguments used by Napoleon against Memphis, may be applied by Helena, with as much force—Napoleon only having the advantage of being nearer to New Orleans, having a better navigation, and its road a freedom from the expensive and precarious structures to be used in crossing the large streams on the Memphis and Helena routes.

In relation to remark made in the first part of this argument, that the admission might be made, that each of these roads would do the business of the whole country along their line, I beg leave to state, that experience will disprove this; for if the Memphis route is 28 miles the longest, produce shipped to market 14 miles from Little Rock on the Memphis road, can just as well afford to come back to Little Rock, and then go to Napoleon, its distance by railroad being the same, viz: 114 miles, and at Napoleon be 200 miles nearer New Orleans, and this item will control its direction.

According to the report of the Memphis company, nearly the entire cost of this road must be made out of the public lands anticipated from the State. These lands pass into the hands of persons entirely foreign to your State, they alone holding these lands, derive all the benefit from their increased value by reason of building the road. Whereas, by giving these lands to the Napoleon road, you not only save the useless expenditure of the vast outlay to build, but you preserve the advantages of the increased value of the lands given to your own people.

The advantages claimed by Memphis as furnishing an outlet for travel northward, will be lessened materially by the building of the Cairo and Fulton road.

Look then well to the facts here stated. Sift them as you will, they will still prove facts. And I feel satisfied that they will address themselves to the intelligence of all, and be especially appreciated by those of your legislature who are so deeply interested in finding the shortest, cheapest and best outlet for their grain, cattle, etc., etc.

Those interested in finding a market for their supplies, have but to know the fact, that Memphis never can be that market, but that New Orleans and the soutdern coast is, to make up their minds that to suffer such a tax as I have shown above will be levied on them forever, is more than could be expected from them.

I deem it unnecessary to say more on this subject. I feel that I have had a sacred task devolving on me, but I am satisfied my position is defended against all charges of sophistry, or being influenced by what has been termed "prosy considerations." If I have overwrought the picture or advanced one single extravagant idea, my position is then open to comment, all that I ask is, an attentive perusal of this report, in this I am satisfied I shall be secure. I have looked on the progress of things here, and I am not mistaken when I say, that though no more particular stress will be laid upon what I say than that of another, still I see plainly that those to whom are entrusted the determination of this question, are all anxious, and determined to gain all the light they can before deciding, and I will not shrink from the responsibilities my position imposes upon me.

(Let me remark here, that as the cost of the Memphis road is stated to be $3,200,000 00, by contract, and some persons may imagine that I have strained a point in reducing the cost of the Napoleon road so low as $1,257,000, I most cheerfully challenge any investigation they may desire to have made, and if I am not sustained in my estimate, I will bear all the expense in making the examination.)

Much might be said in relation to the further extension of the proposed system of railroads for Arkansas. The Cairo and Fulton road, a road leading from the direction of Little Rock by Camden, El Dorado—towards Alexandria, in Louisiana, to supply the sugar and cotton regions that are such large consumers of breadstuffs, stock, etc., etc. But the legitimate object and length of this report will not allow me to go further into the subject.

I deem it unnecessary to go into any argument as to the advontages to arise to the community interested in this road. They are too manifest to need any comment. All are familiar with the immense losses sustained in not getting produce of all kinds to market at a proper time, and frequently not at all. All are aware of the ruinous rates of freight, insurance and commissions on shipments into and out of the country. There can be no doubt but that countless benefits will flow from its construction, and when we look at the character of the road, its easy grades and light curvatures, its capability of being worked with light engines, thus saving the immense loss by wear of track and machinery, that it must yield even from the amount of business now afforded by the country, a handsome revenue.

Did time permit, from reference to the amount of cotton, grain, stock, etc., together with the tonnage by steamboat annually brought into the country, a very accurate and satisfactory estimate might be made of the business of the road at its opening, but I conceive it unnecessary. Few are so skeptical on the subject as to suppose that the road will not pay a fair dividend on its cost—and aside from a desire to receive a dividend, all appreciate the incidental advantages as of greater consequence than any thing else.

I have thought it proper to recommend to your consideration the purchase of 200 able-bodied negro men, for preparing at any rate the local work in the bottom between the Bluff and Napoleon. That country is better adapted for this kind of labor than any other, especially during the spring and summer. The means of the company will admit of the arrangement being easily made, and with this force, I can prepare the local work on that division by the 1st October next—computing twelve yards to the hand per day.

I beg leave to call your attention to the fact that the system of drainage from the Bluff to Napoleon, by long and continuous ditches on both sides of the road, cutting the small ridges and conducting the water from out of the basins to outlets, will reclaim a vast amount of land, without it entirely useless, and with it of immense value, and to suggest that some inquiry be made in time as to the right of the company to receive pay under the levee law, and if not, that application be made to the legislature to secure this aid.

The necessary maps and profiles are being compiled, and will be ready for inspection in a few days.

My thanks are due to your president and treasurer for their prompt and efficient aid in carrying forward the surveys.

To Mr. W. M. Johnson, my principal assistant, and the sub-assistants, Messrs. John Johnson, Dallum, and Enders, I beg leave to return my thanks for their able and efficient services, and commend them to your favorable consideration.

A statement of expenses of survey will be in readiness to submit to you so soon as your board shall meet.

I have the honor to remain,
Respectfully, your ob't serv't,
LLOYD TILGHMAN,
Chief Engineer.

REPORT

ON THE

EXPERIMENTAL SURVEYS

OF THE

ARKANSAS MIDLAND RAILROAD.

Arkansas Midland Railroad,
Engineer's Office, *Helena, May 29th*, 1854.

To the President and Directors of the Arkansas Midland Railroad Company:

Gentlemen—To purchase stock-books, stationery, instruments, etc., for your service, I left this on the 23d of last October for New York; and having before starting made arrangements for the outfit necessary, found on my return, tents, horses, wagons, etc., etc., ready for the campaign. The organization of the field-party having been at the same time completed, we took the field on the 2d of last December; and having carried out upwards of 290 miles of careful instrumentation—including main-lines, side-lines, bridge-lines, depot-lines—arrived at this town with the return-surveys on the 10th instant.

At the commencement of the surveys I proceeded, under the instructions of your board, to examine the country between this and Little Rock; and having been unrestricted as to the route between the termini, determined, in consideration of the apparent superiority of that route, to confine my field-work to the line by way of Clarendon. In order however to satisfy my mind by a better test than that of reconnoissance, I caused surveys to be made of the flood-line on both sides of White river bottom from Clarendon as far south as Aberdeen; and finding in the facts presented by those surveys, strong testimony in support of the impressions resulting from the reconnoissance, I felt called on, notwithstanding the anxiety of the people of the southern part of Monroe county on the subject, to decline the responsibility of incurring the expenditures of this survey as of a route offering no probability of a favorable comparison in an engineering point of view with the route by way of Clarendon. On a representation of these facts to your board, you ordered me to take up the line of survey by Aberdeen with the view of removing even apparent grounds of dissatisfaction from any portion of the stockholders or other citizens concerned in the location of your road. Two routes were accordingly run—one by Aberdeen and another by Clarendon—between Helena and Little Rock. While called on as your engineer—an officer whose duty is confined to the physical considereations of such cases—to decline the responsibility of the survey by Aberdeen, I feel at liberty as your agent to remark that the liberality and conciliation of your board has been in this, as in all oter cases since its organization, such as cannot fail to remove the otherwise excusable dissatisfaction of some portions of the stockholders along the line. I may also take leave, as your agent, to observe that the economy of distance accomplished by your road in connecting the centre of the State with the great natural highway to the market of the State, guaranteeing to your road the carrying trade of the White river valley and upper Arkansas valley, your board is perfectly right in concluding that every dollar of additional cost and every yard of additional length increasing by a certain sum of money the transportation-tax leviable on the products of a vast number of your fellow-citizens—it is especially incumbent on your board, as an applicant for lands belonging to your fellow-citizens generally, to save no reasonable expense in ascertaining, as you have ascertained beyond all doubt, the cheapest, shortest and best location for their future line of travel and trade from the centre of the State to this, its most economical outlet to the Mississippi river.

Before entering on the comparison of the two main routes—that by Aberdeen on the one hand and that by Clarendon on the other—I pray leave to take up the consideration of a side-line at the Helena end of those routes; this side-line, unlike any other we have run, being, though of inconsiderable deviation from the rival line, entitled to special notice as involving a question of some anxiety to a large number of the stockholders in this town and county.

Helena rests as you are aware on the terminal slopes of Crowley's ridge: the approach to the town on a direct line from the west is disturbed by the extension of this ridge for some two miles south of this direct line: the rival side-lines resulting from this topographical fact are: Firstly, that around the ridge, following closely the route of the present road to Little Rock; Secondly, that through the ridge, following the general course of Jeffrey's trace through the valleys into which the ridge is rent. The latter of these lines leaves Helena by way of Rightor's Hollow; and at 7,000 feet from the river, striking a gap in the main ridge, drops down by an eastern fork of Calvert's branch to the main stream of that name: leaving this main stream by a western fork of the same, this line enters through a narrow part of a secondary ridge the valley of Caney fork. From the mouth of the valley of Caney fork it runs near to and almost parallel with the more circuitous route around the ridge to a point equi-distant from the junction of both routes near Clarendon. The following table furnishes a condensed exhibit of the facts in each of these two cases respectively:

Side-lines near Helena.

Name of route.	Tunnelling.	Earthwork.	Bridges and Culverts.	Superstructure.	Total.
Through the hills...	$50000	$51747	$3000	$31312	$136059
Around the hills........	....	8673	$4500	43363	56536
Difference	50000	43074	1500	12051	79523

The route through the hills involves curvature so rapid as three degrees; (1910 feet radius,) that around the hills involving curvature at a minimum of only two degrees, (2865 feet radius): the latter route presents grades, at the heaviest, only twenty feet per mile; whereas, the route through the hills presents grades so high as even 30 feet per mile. The route through the hills saves on the whole line, as compared with the route around the hills, a distance of 8312 feet; but with heavier grades, quicker curvature, and an extra cost of $80,000 compares very unfavorably with the route around the hills. In order to point out more distinctly the value of the mechanical objections laid here to the route through the hills, I take leave to submit for your consideration, the following extract on the subject, from my report to the president and directors of the central railroad of Mississippi, (New York, 1853.)

In order to reduce the mechanical facts of each route to a simple term, I shall take leave to offer here a few remarks as to the relative disadvantages of the several rates of grade and degrees of curvature. In hauling a load up an inclined plane of one mile in length, and, say thirty-five feet in elevation, two things are accomplished; first, the removal of a load a distance of one mile, and next, the lifting of it vertically to a height of thirty-five feet. This last, is therefore seen to be the additional effect called for on a grade of thirty-five feet per mile over and above the effect necessary on a horizontal track of the same length.

Motion has a natural tendency to follow a straight line, and the degree of this tendency—the centrifugal force—may be held to establish the relative degree of disadvantage in railway curves. A curve of half a degree at high velocities is found to be equal in disadvantage to a grade of five feet per mile, a curve of one degree to a grade of nine and a half feet per mile, a curve of two degrees to a grade of 19 feet per mile. Assuming the resistance on railroads (exclusive of atmospheric resistance) at eleven pounds to the ton, the following table will show the loss of mechanical effect on the grades and curves occurring on this road:

MECHANICAL EFFECT TO MOVE 100 TONS 1 FOOT.

Straight lines.	Curves of ½ deg.	Curves of 1 deg.	Curves of 2 deg.	Horizontal.	Grades of 5 feet.	Grades of 15 ft.	Grades of 25 ft.	Grades of 35 ft.
1100 ft. lbs.	1302 ft lbs.	1503	1906	1100	1302	1736	2160	2585
Surpl's eff't	202 ft lbs.	403	806		202	636	1060	1485

Waiving the serious difference in the cost of the two lines under consideration, the mechanical difficulties presented on the route through the hills will be seen under the light of this extract to exclude that route altogether from a road which, like yours, will, in virtue of its shortness, cheapness and locomotive advantages, attract infallibly the whole product shipments of more than one-half this State. My first reconnoissance had satisfied me of this; but in order still further to meet the wishes of the stockholders in the case, I made a second reconnoissance in company with Dr. Jeffrys: my convictions in both instances would have led me to decline the survey of the line altogether, had I not been advised to make it by your executive committee—Messrs. Horner, Palmer, Coolidge and Biscoe. Now, however, that the facts are placed on higher grounds than those of the most careful reconnoissance, I trust that the unqualified approbation of all intelligent friends of your road, for whatever action may be had in the premises by your board, will result from the outlays made upon the survey of the route through "Rightor's hollow."

For four miles the Aberdeen and Clarendon routes run out of Helena in common: at the west line of Major Davidson's plantation they separate; but, after crossing White river at the respective points from which they take their names, they come together again at a point near Capt. Jesse Hill's, some nine miles from Little Rock. From the point of deviation near the Helena terminus, they extend towards White river, in each, an unbroken tangent; this tangent being on the Aberdeen route 34 miles, and on the Clarenden route 37 miles. After ascending to the level of the prairie, the Aberdeen route, passing within an hundred yards of the residence of Mr. Jones Welbourne, extends in an unbroken tangent to the point of junction, a distance of 40 miles: the Clarendon line, after gaining the level of the prairie near Mr. Peebles', reaches the point of junction in an unbroken tangent of 39 miles. With the exception of a few small bridges, the only piece of work especially worthy of mention here, on either line, is that involved in the water-way and bottom of White river—this difficulty, if, indeed it can be called such, amounting in the case of the Aberdeen line, to twelve hundred feet of bridging—at East lake and White river—9,800 feet of trestle-work and 8,400 feet of embankment, averaging 13 feet high: on the Clarenden route this work involves 600 feet of bridging—at Rock Roe bayou and White river—6,700 feet of trestle-work and 14,500 feet of embankment averaging 11 feet high. On the east side of White river bottom, the country forming from almost the very bank of the Mississippi river a perfect flat of alluvium above all overflow, and on the west side of White river bottom presenting, whether in wood or not, a perfectly level prairie surface, the whole line from Little Rock to this town requires, with the exception of a short distance, near the western terminus, and the four miles consumed in the crossing of White river bottom, no heavier earth-work than, generally, that necessary to place the road-bed a proper height above the occasional "plashes" presented during rainy weather in a level country. The most noteworthy exception to this general characteristic of the grading necessary for your road occurs between Little Rock and the eastern edge of the bottom of Bayou Metre.

The difficulty presented in the overflow of this water course leads to the present circuitous location of the Military road, between Brownsville and Little Rock, but a similar location, in the case of a road so important to the State as yours undoubtedly will prove itself to be, incurring an additional distance of at least a mile and a half, I have great pleasure in apprising you that the considerable sums expended by you, in your anxiety to avoid this, on the surveys between Little Rock and Bayou Metre, have resulted in the discovery of a route of a character eminently favorable. This route deviates very little from the air-line. The present route of the Military road out of Little Rock, runs, you are aware, along the Arkansas river for some distance: all this way it follows the dividing ridge between the waters falling directly into the Arkansas, and those falling indirectly into it through Bayou Metre. The Military road, however, turns northwardly at some two miles from Little Rock, and passing some of the tributaries of Bayou Metre, follows thenceforward the northern edge of the Metre overflow or the more remote breaks of the Metre slopes. The line adopted by my projected route leaves the general course of the Military road at this northern deflection; and passing by Captain Jesse Hill's residence, hugging the northern bank of Willow pond, and crossing two prongs of the Horse Shoe lake, known as "Beasley's Cypress," follows with these occasional exceptions, a ridge above all overflow between the Arkansas river and Bayou Metre. Dropping from this ridge the projected line crosses the Metre bottom at a narrow point; and thence forward assumes its general character of a location through an Illinois prairie. In this instance alone, your board has done good service, to not only your stockholders, but to the State generally. The result of the outlays made on the very elaborate and extensive surveys between Bayou Metre and Little Rock, have, in leading to an economy of even one mile of distance, saved your fellow-citizens, who shall ship by way of Little Rock, Fort Smith or Van Buren, an annual tax equivalent to the cost of shipping their whole products over one mile of railroad.

In order to assist your board in making the most judicious election between the two main routes claiming your consideration, I take leave to submit the following summary of the facts of each:

Main Routes from Little Rock to Helena.

MECHANICAL FACTS.

Between Little Rock and Helena, by way of	Horizontal.	Less than 5 feet per mile.	Between 5 and 10 feet per mile.	Between 10 and 15 feet per mile.	Between 15 and 20 feet per mile.	20 feet per mile.	Total.	Straight lines.	Curves of 1 degree (5,730 feet radius.)	Curves of 2 degrees (2,865 feet radius.)	Curves of 3 degrees (1,910 feet radius.)	Total.
Aberdeen.......	46.07	21.25	9.41	8.03	8.60	5.80	99.16	93.78	2.25	2.72	0.41	99.16
Clarendon.......	43.80	25.56	7.86	4.58	14.20	3.72	99.72	93.21	2.48	3.62	0.41	99.72
Difference.......	2.27	4.31	1.55	3.45	5.60	2.08	0.56	0.57	0.23	0.90	0.00	0.56

With the exception of the running difference of half a mile in favor of the route by Aberdeen, the mechanics of both routes may, according to the above table, be regarded practically equal. I will now present for your consideration the comparison as to the cost of these routes:

Main Routes from Little Rock to Helena.

COST.

Between Little Rock and Helena by way of	Earthwork on road-bed, side-drains and catchment drains.	Grubbing and clearing.	Trestling.	Bridging and culverts.	Superstructure adding for sidings, turn-outs, switches, etc., 5 per cent.	Total.
Aberdeen.........	$217033	$13200	$39900	$141000	$791297	$1202427
Clarendon........	207140	13200	34200	101000	795765	1151305
Difference........	$9890	....	$5700	$40000	$4468	$51122

The choice, therefore, between the Aberdeen route and the Clarendon route lies between an economy of half a mile of running distance on the one hand, and on the other hand, the outlay of fifty thousand dollars of present expenditure, with the additional objection of construction on a soil more friable and weak. For more detailed facts as to these main routes, and indeed to all the routes presented for your consideration, I take leave to refer you to my plans, profiles and estimate books. The plans show all the lines run, the water courses crossed, the undulations of the country for 800 feet wide on each side of the lines of survey, the form of hills where such have presented themselves; and, as based on all these, the projected line or approximate route for location, in each case under consideration. These plans are made to a scale of 1,000 feet to the inch. The profiles show the heights at each hundred feet of the ground along the several lines presented on the plans, the rate of gradient adopted to generalize the undulations of the same, and the depths of cutting or heights of filling necessary at each point on the surveys, 100 feet apart. The estimate books show the quantity of cut or fill for intervals of 100 feet along each line estimated, the culverts, trestles, bridges, etc., etc., occurring on the whole of the estimated lines. For all these documents I respectfully invite your serious attention.

In the estimates I have rated the earthwork according to the following scale of prices:

Banks (made from borrowed earth)	under 5 feet high..........	13 cents per cubic yard.
" "	between 5 and 10 feet....	13¾ " " " "
" "	between 10 and 15 feet....	14½ " " " "
" "	between 15 and 20 feet....	15¼ " " " "
Excavation on road-bed	not exceeding 100 feet of haul.........	13 " " " "
" "	for every 100 feet of haul after the first,	¾ " " " "

The average "shrinkage" I have rated at 10 per cent. The superstructure has been rated as for a rail of 54 lb. weight: this weight has been adopted in consideration of the physical facts of your road as indicated in its grades. The rationalé of the light and heavy rail is this: the power of the locomotive is directly as its weight, and inversely as the gradient on which it works: consequently, as the gradient becomes steep the locomotive must, to produce like effect, become heavy. As the locomotive becomes heavy, so also, in order to obtain proper stiffness, must the rail become heavy; and therefore the relation between the grade and the locomotive on the one hand, and that between the locomotive and the rail on the other hand, establishes a direct relation between the gradient and the rail. To transact the same amount of business on a horizontal road, as that on a road of gradient so high as 25 feet to the mile, it would be a mere waste in running expenses, to employ as powerful a locomotive, (and therefore as heavy a rail), for it will be seen by reference to the table of mechanical effect on page 6, that the gradient of 25 feet per mile requires double the power necessary to produce like effect on a horizontal gradient. Besides, the power of the locomotive ought not to be regulated altogether by the maximum load: if it be so regulated, the road is worked at a loss in running expenses when transporting only its average loads. A steady average of the shipments of a road cannot, it is true, be maintained in a southern State, or indeed, in any State; but it is always better, using machines built with some reference to that average, to call in on occasions of glut, additional machines of the same power, than to keep running in the regular business of the road, machines of surplus power, at the loss of capital in heavier rails or of dividends in the deterioration of a rail adapted to the average business of the road. Lately these considerations have acted as a check on the progress of the weight of locomotives: no maxim is now more generally recognized by men conversant practically with the transportation facts of a railroad, than that, within certain limits, the economy of all the items of running expenses requires frequent trains and light locomotives. On your road, however, such is the ease of its gradients and symmetry of its alignment, that a 16 ton locomotive will exert the same power as a 25 ton on some of the leading roads in the Union. With such a fact guiding our choice, we are quite safe in fixing the weight of our rail at 54 lbs.—6 lbs. heavier than that of the Evansville and Wabash railroad in Indiana.

Assuming $200,000* for motive-power and depots—and this will be sufficient for the starting business of any road in this comparatively undeveloped State—the gross cost of your road may be set down in round numbers at $1,350,000. That this will build the road itself substantially, and furnish sufficient depot accommodations and rolling-stock for the first year of its operation is beyond question; but as in all such cases it will doubtless require a portion of the earnings of the first year or two to increase the machinery and fixtures to suit the growing prosperity of the company and State. With this gross cost as stated here, I shall now take leave to enquire into the probable prefit of the road as an investment to the stockholders.

Your road, being 36 miles shorter on the air-line than that contemplated between Little Rock and Memphis, will evidently absorb all the trade of White river valley, the valley of the Upper Arkansas, and the whole area of the northwest contained between those water courses: to suppose any thing else were to suppose that the producers who ship (as all the producers of the State do directly or indirectly), his products to New Orleans, will consent voluntarily to be mulcted annually in a sum equal to the cost of transporting these products over 36 miles of railroad. This question being self-evident, the next enquiry presents itself as to what the business of the whole area so tributary to your road, is. Here I regret to say that all my applications for precise, reliable information on this head have failed to supply me with such a statement of facts as I might present with confidence; but as the best substitute for such shall use approximations that promise to meet the requirements of the question generally.

The population that will be compelled to use your road as the outlet of their products to market (including the people of the White river valley, the Upper Arkansas valley, and the country contained between these as far north as Missouri, and as far east as the Indian Nation), does not fall short at this moment of 175,000. According to the statistics of 4,000 miles of road in New York and the six New England States the average tonnage of these railroads show two-thirds of a ton per head of population, and the average receipts of these roads $1 23 per head of population.

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*In the sum assumed for the fixtures and rolling stock necessary for the opening business of your road I have had in view the necessity of confining these expenditures to the lowest possible figure, in a State so young and struggling as yours. The machinery contemplated is based on the tonnage estimates made above; and while perhaps not sufficient to carry off that tonnage as fast as it shall come in during the freight glut of winter and spring, will carry it off in a much shorter period than is consumed in its carringe now. On the road-bed and track I have estimated liberally for a substantial and permanent structure: the depots and machinery can be, if necessary, increased at any moment.

While it is well known that *the tonnage and the receipts are much higher per capita in the western States*, this average shows for your road a tonnage of about 120,000 tons and a receipt of about $218,000. But as a check upon this I shall present a special estimate disregarding, for want of reliable information on that item of earnings, the local trade.

The business of White river, from December, 1852, to December, 1853, employed 13 regular boats, and twelve additional boats, to the extent of 19 trips. The 13 regular boats averaged in the year 20 "trips" each—20 journeys inwards and 20 journeys outwards—each journey averaging about 150 tons of freight and about 20 passengers. This approximation, which is based on the best information I can obtain in the case, shows a present movement on White river of about 81,000 tons and 10,000 passengers per annum. At the Arkansas crossing of your road another large accession of business is obtained; but it is impossible to arrive at a good approximation as to the amount of that business. Through the kindness of my friend, the Hon. Joseph Stillwell, I am enabled to state the steamboat business passing Little Rock: it consisted this year, for the few months of navigation on the Arkansas, of 40 boats, averaging 400 tons of freight each, and 119 boats averaging 100 tons of freight each—in all 2,800 tons. Each of these smaller boats averaged 20 passengers, showing for the passenger arrivals by the river 2,380; and the arrivals by other conveyances during low water being rather more than those by steamboat, the gross passenger business concentrating at Little Rock, may be set down in round numbers at 4,700. The number of bales of cotton shipped from and above Little Rock reaches 17,000. The following will therefore present from these data an estimate of the receipts of your road on those two items of its business—the shipments of White river and of the Arkansas river.

BETWEEN LITTLE ROCK AND HELENA—100 MILES.

17000 bales of cotton at 70 cents per bale,	11900	
28000 tons of freight at $3 per ton,	84000	
5000 passengers at $3 50 per head,	17500	
		$113400

BETWEEN CLARENDON AND HELENA—44 MILES.

80000 tons of freight at $1 25,	$100000	
10000 passengers at $1 50 per passage,	15000	$115000
		$228400

These detail approximations show a shipment of about 110,000 tons as compared with the general approximation on the shipments in New England of 120,000 tons; and a receipt of 228,000 dollars, as compared with the general approximation from the results in New England of 218,000 dollars. Adopting the detail estimate, we find that, allowing so high a running expense for the first year, (in consideration of the newness of the road), as 60 per cent. on the gross receipts, your road will pay on the present business of White river and the Arkansas, a net profit on the stock to the amount of nearly 7 per cent. But with the rapid progress in all the area to be accommodated by your road, the amout of even these two sources of its business will be vastly increased. So large a dividend in so undeveloped a country, is extraordinary, but can be accounted for by reference to the large trade tapped by your road at Clarendon and Little Rock; and by considering the same in connection with the remarkable cheapness of your road.

In conclusion, I have to make full acknowledgments of the zeal and ability with which the details of this department of your service have been thus far conducted by my assistants; and while not by any means insensible to the merits of the others, must make special mention of my principal assistant, Mr. William Hewson and his *transitman*, Mr. J. B. Jamison.

Confident that the energy with which you have conducted your enterprise to the present time, coupled with your intelligent providence of the funds committed to your management, and the equally intelligent liberality with which you apply those funds to the accomplishment of the great ends of your enterprise—a State economy—will crown your unfaltering and undoubting efforts with success. I have the honor to be gentlemen,

With much respect, your very obedient servant,

M. BUTT HEWSON,
Chief Engineer and
Agent A. M. Railroad.

REPORT

OF

CAPT. BACKUS FORD, CHIEF ENGINEER

OF THE

MEMPHIS AND LITTLE ROCK RAILROAD COMP'Y.

Office of the Memphis and Little Rock Railroad Co.,
Memphis, December 7, 1854.

To the President and Directors of the
Memphis and Little Rock Railroad Company:

Gentlemen—Having finished the preliminary surveys of your road, I beg leave to submit the following statements, being the leading results of my examinations. I shall not attempt a detailed estimate at this time, but shall confine myself mainly to a topographical description of the lines surveyed. The surveys were commenced on the 1st September last, and concluded about ten days ago. Since that time maps and profiles have been prepared, and approximate estimates of the kinds and quantities of work upon the whole line of the surveys. I shall express by an average height of single track embankment, the amounts of earthwork upon the line, employing the expression as an equivalent, for the total amounts of both excavation and embankment.

Your road is divided by the St. Francis and White rivers, into three natural divisions, of nearly equal length. The 1st division extends from Hopefield to the St. Francis. The 2d division, from the St. Francis to White river; and the 3d division, from White river to the Arkansas river, opposite Little Rock. I will describe them in this order.

FIRST DIVISION.

From Hopefield to Old Madison, on the St. Francis river.

Length of Division, 37 33-100 miles.

This portion of the road lies wholly within the Mississippi bottom, extending entirely across it, to the base of Crowley's Ridge. This point was chosen for the crossing of the St. Francis, as affording the best passage by natural gaps, through Crowley's Ridge, and because it lies nearly in the straight line, drawn from Hopefield to Little Rock.

Three different routes have been surveyed across the bottom. Mr. Gregg ran the air-line last year, which I shall call route No. 1. Route No. 2 was surveyed under my directions. Commencing at Hopefield, it bends to the north, to a point two miles south of the military road; thence parallel with the road to Black-fish lake; thence to the mouth of Beven's bayou, in section 32, T. 6, R. 5 east; thence in a direct line to Old Madison. Route No. 3, is compounded of portions of the other two lines, joined by a new connecting line, thus: I adopted the first twenty miles of the Gregg line, and then run a due west line between towns 5 and 6 until it intersected with route No. 2, on Black-fish.

On *equating* routes 1 and 3, I find but little difference between them. Route No. 1 is the shortest line, being an air-line, but occupies the worst ground. Route No. 2 is entirely impracticable, on account of its length. I found high-water mark of the St. Francis, to be thirteen feet below the Mississippi flood-mark at Hopefield. Fifteen miles of the graduation of route No. 1, commencing at the eastern end, was sub-let in October, to responsible men, to be finished by the 25th January next, and a large force of laborers are steadily employed upon the work. I hope to have the whole line to the St. Francis, in readiness for letting, by the 1st January next. The overflow throughout the bottom, on the line of the surveys, has been reduced three feet (relatively to the Mississippi) by the partial building of the levees; and the closing of a gap in the levee, only two miles in length and eight feet in height, will shut out the Mississippi water from the line of the road for the first twenty miles. The St. Francis requires a bridge of 600 feet span. Average height of bank over the bottom 5 50-100 feet.

SECOND DIVISION.

From Old Madison to Devall's Bluff, on White River.

LENGTH OF DIVISION 45 38-100 MILES.

The line commences to climb Crowley's Ridge, 1,500 feet from west bank of St. Francis river, and gains the summit by the valley of Little Crow creek, in a distance of three miles. The descent on the west side is more abrupt, the line being two miles in length. The gradient employed in gaining the summit is thirty feet per mile, and in making the descent west the gradient employed for the first mile is forty feet, and for the second mile thirty feet. The work required to effect the crossing is very considerable, being fully one-half the whole amount of work upon this division. About ten miles from Old Madison, the line crosses L'Anguille, a small stream—width of overflow, one and a fourth miles, and depth thirteen feet. From L'Anguille to bayou

Devue (34 miles from Madison,) the work is generally of a light character. Some small streams are crossed, requiring about 1,400 feet trestle bridging. Cache river is crosed 38 50-100 miles from Madison. The overflow of bayou Devue and Cache is in extent, about ten miles, and in depth an average of five feet. The overflow extends from bayou Devue to Surrounded Hill. The crossing of Cache river is very good, requiring a bridge of only 150 feet span. From Surrounded Hill to White river, the ground is good and above overflow, with the exception of one-third of a mile on the east bank, which will require an average embankment of five feet. White river is crossed in township 2, north of range 4 west, on section 17, at Devall's Bluff. A reconnoissance of the country for several miles above and below was made, and this found to be the best and most economical point for crossing White river. It is also nearly in a direct line from Old Madison to Little Rock. Width of White river, 800 feet.

The western bank of White river is a high bluff, 30 feet above high water mark. The line climbs the bluff with a gradient of 30 feet per mile. The amount of cutting is inconsiderable. Timber suitable for building purposes and cross-ties is very abundant upon this division, and of almost every variety. Trestle-work on this division 1 84-100 miles. The earth-work is principally in the crossing of Crowley's Ridge, and the overflow of bayou Devue and Cache river. Embankment equivalent to the whole earth-work 4 20-100 feet.

THIRD DIVISION.

From White River to Little Rock.

DISTANCE 45 45-100 MILES.

The work on this division is of a light and uniform character, and the gradients are very low. About twenty miles of the line is prairie. The principal work occurs at the crossing of bayou Two Prairie and Bayou Metoe. Average embankment only 2 6-100 feet. Bridging for the streams 500 feet. Timber of excellent quality is abundant upon this division. The whole length of the road from Hopefield to Little Rock, by the survey, is 128 16-100 miles, being 1 91-100 miles longer than an air-line. The alignment of the road is remarkably favorable: nearly the whole distance is made up of three unbroken straight lines, viz: From Hopefield to the St. Francis river; from the western base of Crowley's Ridge to White river; and from White river to Willow Pond, seven miles from Little Rock. The amount of curvature is only two hundred and eighty degrees. The minimum radius is 57 30 feet.

No rock occurs throughout the whole line of the road, nor any serious obstacle to hinder its construction.

One of the conditions upon which the city of Memphis makes her subscription of three hundred and fifty thousand dollars, for the construction of your road, reads as follows: "That the bonds, or their proceeds, subscribed by the city of Memphis, to the Memphis and Little Rock railroad, be expended in building said railroad, commencing at a point opposite Memphis, and continuing westward, in the most direct and practicable line towards Little Rock." Such, too, were your instructions to me, at the time of commencing this survey, and the line has been run strictly in conformity thereto. The route could not deviate materially, without increasing the distance, and greatly enhancing the cost.

It is hardly necessary for me to allude to the cost of construction. Before I commenced the survey, Messrs. John H. Bradley & Co., had contracted to build the entire road for twenty-five thousand dollars per mile. This contract provides for a first class road including iron and equipments, depots, water-tanks, engineering and other incidental expenses, upon a basis of 15,000 cubic yards of earth-work per mile. I regard this contract as extremely favorable to the railroad company. The Lafayette and Indianopolis railroad was built wholly under my superintendance, when wages were twenty-five per cent. lower than at present; iron fifteen per cent. cheaper, and the grading, masonry, and bridging less in quantity, mile for mile, than on your road. That road when fully equipped, cost upwards of twenty-three thousand dollars per mile.

Of the other projected roads in Arkansas, it does not become me to speak. No man pretending to be an engineer, who, by consent of the profession, has been allowed to be, would degrade himself so far as to depart from his legitimate duties to intermeddle with the affairs of another company. It would be idle to attempt to build a railroad anywhere at the present time, unless it connected with other important roads, and from its locality would, when in operation, become a great highway of travel. Such is the stringency of the money market, that not a dollar could be realized from a sale of the bonds of a mere local road. It is equally certain that a railroad cannot be built in any of the States east of the Mississippi river, by individual subscription, and I presume it could not be done in Arkansas. There are a few roads which derive their greatest income from freight. The Philadelphia and Reading railroad, 95 mlles long, cost upwards of $17,000,000 or nearly 200,000 per miles, and, during the last fiscal year, paid a dividend of 7 per cent. on its capital stock. This road connects the coal fields of Pennsylvania with tide water at Philadelphia. Supply and demand are unfailing, hence upon this enormous outlay of capital, a moderate income is realized by the stockholders. The railroad from New Castle to London is another case in point. It connects the collories of the north of England, with the chief market of the world. Although three hundred miles long and costing double that of any railroad in this country, of equal length, such is the magnitude of its business in the transportion of freight, that coal is carried over its whole length for seventy-five cents per ton, and at a profit.

Your road penetrates a country where the products are carried to market by river navigation. The spring and summer are required to grow them, the autumn to harvest them, and during the winter they are shipped to a market. The staple supplies of the country, such as sugar, coffee, molasses, etc., are brought back during the winter and spring. These customs are founded in nature and no railroad can change them. It can add to the population and wealth of a country, multiply its products, but it can never change the laws which govern production and consumption.

Suppose a railroad to be constructed through a cotton planting district for the purpose of carrying that staple to a market. It would be used like the cotton gins until the crop was sent off, and rest idly the remainder of the year. Hence it is that where there cannot be a constant supply of freight, a railroad to be profitable, must make up the deficiency by the transportation of passengers. All the railroads east of the Mississippi river, terminating at Memphis are benefitted by the construction of your road and yours by the construction of them. So mutual is the dependence of one road upon another, that interest draws them to the support of each other. The Memphis and Charleston railroad company have pledged themselves to endorse the bonds of your company to the extent of $100,000, and the Memphis and Ohio railroad company for a similar amount.

Memphis is favorably situated to become the emporium of the south-west. It is north of the region of the epidemics, has an equable climate, where labor can be sustained throughout the year, and in point of health will compare favorably with any other city in the Mississippi valley. It is the point, too, where by general consent of all the southern States, the Pacific railroad will cross the Mississippi river. The road from Memphis to Little Rock will thus become a link in the great thoroughfare of the nation, and a source of perpetual wealth to all who shall be owners of its stock.

Respectfully submitted,
B. FORD, *Chief Engineer.*

TABLE OF GRADIENTS.

Level.	0 to 10 feet.	10 to 20 feet.	20 to 30 feet.	30 to 40 feet.
52.06 miles.	57.93 miles.	10.55 miles.	5.50 miles.	2.12 miles.

REPORT.

OF THE

SUPERINTENDENT.

Little Rock, Arkansas,
October 2d, 1854.

To his Excellency, Elias N. Conway:

Sir—Under the provisions of "an act to provide for the building of a stone wall around the penitentiary house of this State," approved January 10th, 1853, Messrs. George & Robins, became the contractors for the sum of $26,248.

You having done me the honor to appoint me the architect and superintendent of the building of said wall, I immediately commenced the work of selecting and marking out the site. Upon consultation with the individual in charge of the penitentiary, it appeared that the lines of the survey, on which the penitentiary building was situated, were not accurately known and defined, and that it was highly probable that the then standing inclosure included a portion of ground not belonging to the State. I therefore employed Mr. David F. Shall, an excellent practical surveyor, to run out the south and east boundaries of the tract, and, upon his doing so, it was found, as suggested, that there was private property included in the old enclosure. I was therefore limited in my selection of a site for the wall.

The contractors immediately commenced the work. In consequence of the ground being very uneaven, to enable me to comply with the provisions of the law, and at the same time secure a permanent foundation for the wall, I was compelled to adopt the system of off-setts. The wall, therefore, presents an irregular appearance at the top. A very small appropriation, however, would level it all around, and give it a better appearance, though I do not know that it would add any thing to its security.

In the execution of their contract, Messrs. George & Robins, have complied fully and faithfully with the terms of the law. They have done the State full and ample justice, and themselves great credit.

They were paid from time to time as the work progressed, and the last payment was made upon the completion of the work, as you will see by reference to my last certificate of date the 19th ultimo.

It is my duty also to state, that during the progress of this work, a very valuable well of water was about to be destroyed by caving in, in consequence of the want of a wall.

The contractors, generously volunteered to wall up the same and rely upon the liberality of the legislature for their compensation. (The work was entirely outside of their contract.)

The work was well done.

Respectfully, your ob't serv't.

JOHN HUTT.

REPORT

OF THE

KEEPERS OF THE PENITENTIARY.

Penitentiary House, *Arkanias,*
October 21st, 1854.

To his Excellency, Elias N. Conway,
Governor of the State of Arkansas:

Sir—In compliance with what seems heretofore to have been the custom of those having the charge and wardenship of the penitentiary, we respectfully submit the following as our report of the condition and management of the Arkansas penitentiary, from the 17th day of February, 1853, to the date hereof inclusive.

By authority of law, the undersigned, on the 17th day of February, 1853, entered into contract with D. B. Greer, C. C. Danley and John H. Crease, as the board of inspection to construct around the penitentiary house, a stone wall of solid masonry, (combining other proper requisites) three hundred feet square, eighteen feet high from the surface, four feet thick at the base, and two feet in thickness at the top, for the sum of twenty-six thousand two hundred and forty-eight dollars.

By the utmost diligence and industry, said wall was completed on the 15th day of September last, and inspected and received by Gen. John Hutt, appointed by his Excellency, as inspector of said work, the day following, since which period as by the terms of said contract entered into with the board aforesaid, the undersigned have had and must continue in charge of the penitentiary grounds and convicts, until the legislature may see proper to make some further disposition of the same, or until the expiration of the two years in which the wall was to be completed.

As a means of preventing the escape of the convicts, the undersigned are confident in the opinion that the wall around the penitentiary will demonstrate most fully, the wisdom of its projection. By this ample means of retention those predisposed to be infractors of the laws, will, it is believed, in a great measure be deterred in future from that monstrous perpetration of villainy, to which our country has heretofore been so frequently subjected.

The penitentiary being now enclosed by a wall of durability, and of undoubted safety, for the first moment of its existence, is now in a condition to be made, at a small additional expense, an establishment worthy the emulation of its founders, and a source of revenue, instead of an expense to the State. We would recommend the building of two workshops, one 35 by 50 feet, one story high; the other 40 by 150 feet, two stories high, which might be suitable for the employment of machinery propelled by steam power, or other purposes. A warden or keeper's house is also very necessary to the comfort and even safety of the place, the immediate presence of that officer being imperatively demanded.

In consequence of the unevenness of the surface upon which is built the wall enclosing the penitentiary house, the wall contains five thousand ninety-eight and a half feet more than the law actually required. This was done in order to complete the wall to comply with the law as near as possible, and leave it in a condition that it might at some future time all be carried up to a level on the top and all come up to the same thickness; the lower level of off-setts are, of necessity, thicker than the upper level in consequence of being obliged to carry up the wall at the lowest point of the surface, to a level with the highest point before commencing to make the latter or diminish.

We would also submit, that we have paid out the sum of $500 as rewards for the capture of escaped convicts. We have also made several unavoidable expenditures in the way of outfit and money to discharged prisoners, amounting to $170. We also furnished three guard houses, which, with the removing and repairing of the keeper's house cost the sum of $275. The well, in the yard, having caved in near the bottom, and being within a short distance of the main wall, thereby endangering it, we were compelled to wall it up, which cost us the sum of $100.

Please find an accompanying paper marked A., where you will find a catalogue of convicts now confined in the Arkansas penitentiary. Annexed tabular statement marked B., embodies miscellaneous information, touching the number of prisoners received of the State, and since February 26th, 1854; also prisoners discharged by expiration of sentence, as pardoned; also the names of those escaped, and of the recaptured, deaths, etc., etc.

All of which is respectfully submitted.

GEORGE & ROBINS, *Contractors*
of Arkansas Penitentiary.

TABLE A.

LIST OF CONVICTS—Remaining in the Arkansas State Penitentiary up to October 16th, A. D. 1854.

	Names of Convicts.	Ages when rec'vd.	Counties sent from.	Crimes.	Terms of sentence.	When committed to prison.	Previous occupation.	Occupation now employed in.	
1	Hamilton Mercer,	23 yr's.	Desha,	Murder in 2d deg.	10 y'rs.	May 27, 1845,	Laborer,	Laborer,	1
2	William Peters,	22 "	Crawford,	Rape,	10 "	June 15, 1849,	Drummer, U. S. A.	Teamster,	2
3	Allen Stanton,	52 "	Pulaski,	Murder in 2d deg.	7 "	Feb. 15, 1850,	Farmer,	Laborer,	3
4	Blue, a Cher'kee Indian,	21 "	Crawford,	Horse stealing,	5 "	" 25, "	Laborer,	Wagon maker,	4
5	Andrew Rodgers,	30 "	Conway,	Murder in 2d deg.	21 "	March 16, "	Farmer,	Blacksmith,	5
6	George Walters,	40 "	Washington,	Negro stealing,	10 "	April 30, "	"	Wagon maker,	6
7	William Lipscomb,	21¾	Phillips,	" "	5 "	Dec. 13, "	Laborer,	"	7
8	Floating Ice, an Indian,	18 "	Crawford,	Horse "	5 "	Feb. 21, "	"	Laborer,	8
9	Jesse A. House,	42 "	Chicot,	Negro "	15 "	April 21, "	Farmer,	Painter,	9
10	Joel A. Tuggle,	38 "	Pulaski,	Manslaughter,	21 "	Aug. 7, "	"	Tailor,	20
11	James E. Powell,	23 "	Union,	Murder in 2d deg.	6 "	May 1, "	"	Blacksmith,	11
12	Francis Fenetty,	26 "	Washington,	As'lt & bat. int. to kill.	6½	" 26, "	Laborer,	Wagon maker,	12
13	Michael Martin,	21 "	U. S. District,	Robbery,	5 "	July 2, "	U. S. soldier,	Cabinet maker,	13
14	John Duncan,	26 "	Crawford,	Murder in 2d deg.	5 "	Aug. 21, "	Farmer,	Cooper,	14
15	Samuel Martin,	26 "	Prairie,	Horse stealing,	5 "	Sept. 4, "	Deserted soldier,	Wagon maker,	15
16	Willbird Bass,	24 "	Izard,	" "	7½	Oct. 21, "	Farmer,	Boot & shoemaker,	16
17	William Wynn,	26 "	"	" "	6 "	same	"	Saddler,	17
18	William Randolph,	31 "	Chicot,	Negro "	10 "	Nov. 5, "	Carriage maker,	Carriage maker,	16
19	Barney McGowan,	23 "	Pulaski,	Murder in 2d deg.	7½ "	Jan. 17, 1852,	Laborer,	Blacksmith,	19
20	Henry Allen,	27 "	Union,	Horse stealing,	5 "	May 2, "	Farmer,	Wagon maker,	20
21	Benjamin T. Bartlett,	33 "	Lawrence,	Murder in 2d deg.	21 "	" 13, "	"	Cooper & teamster,	21
22	Francis Garret,	25 "	Crittenden,	Larceny,	3 "	" 20, "	Boatman,	Wagon maker,	22
23	Wm. F. Toustelot,	36 "	Phillips,	As'lt & bat. int. to kill.	5 "	June 18, "	Boot & shoemaker,	Boot & shoemaker,	23
24	John Melone Lane,	62 "	Pulaski,	Horse stealing,	5 "	" 19, "	Farmer,	Cook,	24
25	Wm. Johnson,	33 "	Lafayette,	Negro "	12 "	July 20, "	Sailor,	Hewer,	25

26	Claiborn Thomas,	15 yr's.	Carroll,	Horse stealing,	5 yr's.	Oct. 21, 1852,	Laborer,	Blacksmith,	26
27	David Bixby,	55 ‘	Hempstead,	Murder,	15 “	Jan. 24, 1853,	Farmer & carpnt'r,	Laborer,	27
28	Sam'l Hays, alias Jones,	25 “	Crawford,	Forgery,	5 “	Feb. 21, “	Gent. of leisure,	“	28
29	Patrick Griffin,	24 “	Mississippi,	Murder in 2d deg.	7 “	May 15, “	Laborer,	Wagon maker,	29
30	William Pugh,	47 “	Jefferson,	Murder of his slave,	2 “	May 17, “	Overseer,	Laborer,	30
31	John E. Land,	34 “	Pulaski,	Forgery,	7 “	June 7, “	Teacher,	Wagon maker,	31
32	William Golden,	37 “	Mississippi,	Murder in 1st deg.	21 “	May 27, “	Laboror,	Laborer,	32
33	James D. Ridge,	31 “	Phillips,	Larceny,	2¼	June 12, “	“	Shoemaker,	33
34	Sam'l Kellons,	73 “	Pope,	Horse stealing,	5 “	Sept. 26, “	Preacher, Bap. C.	Tailor,	34
35	Sam'l Crooks,	35 “	Independence,	“	5 “	Oct. 3, “	Laborer,	Laborer,	35
36	John Keith,	53 “	Fulton,	Kidnapping,	3 “	Nov. 11, “	Farmer,	“	36
37	D. M. Gray, Cherokee,	25 “	Arkansas,	Larceny,	1 “	“ 9, “	Boating,	Cook,	37
38	Armstrong Mullens,	27 “	Lawrence,	Feloneous assault,	3 “	“ 18, “	Farmer,	Laborer,	38
39	Edward Harden,	27 “	Crawford,	Murder,	21 “	Jan. 17, 1854,	Tailor,	Tailor,	39
40	John B. Herndon,	28 “	“	As'lt with int. Murder,	3 “	“ 17, “	Blacksmith,	Blacksmith,	40
41	A. G. Underwood,	29 “	Pope,	Manslaughther,	2 “	March 28, “	Farmer,	Cook,	41
42	Rebecca Wilkins,	23 “	Newton,	“	5 “	April 14, “		Sewing,	42
43	James A. Reed,	30 “	Ouachita,	Larceny,	1 “	“ 18, “	“	Blacksmith,	43
44	James Conner,	26 “	Monroe,	“	1 “	May 1, “	Laborer,	“	44
45	Joseph White,	21 “	“	“	1 “	“ 1, “	“	Laborer,	45
46	William Harlis,	50 “	Mississippi,	Murder in 2d deg.	21 “	“ 14, “	“	“	46
47	Berry H. Rogers,	43 “	Crittenden,	Larceny,	1 “	“ 20, “	Farmer,	“	47
48	Thomas J. Dalston,	31 “	Crawford,	Murder in 2d deg.	18 “	Aug. 14, “	Gent. leis. & gam.,	“	48
49	Wm. Rose,	39 “	Sebastian,	Horse stealing,	5 “	“ 16, “	Farmer,	“	49
50	Claiborne Underwood,	52 “	Pope,	Murder in 2d deg.	21 “	Sept. 24, “	Farmer & teamst'r,	“	50

TABLE A—Continued.

	Names of Convicts.	Health when admitted.	State of instruction.	Place of nativity.	Habits of life.	Social relations.	Miscellaneous Remarks.	
1	Hamilton Mercer,	Good,	No education,	Ohio,	Temperate,	Single man,	Is in bad health, good behavior,	1
2	Wm. Peters,	Unknown,	"	Ind.,	"	Has a family,	Good nature,	2
3	Allen Stanton,	"	"	Tenn.,	Intemperate,	"	Is in feeble health, modetate behavior,	4
4	Blue, Ch'kee Indian,	"	"	Ck'e N	"	"	Good behavior,	4
5	Andrew Rogers,	"	Com. education,	N. C.,	"	"	" feeble health,	5
6	Geo. Walters,	"	"	Mo.,	Temperate,	"	"	6
7	Wm. Lipscomb,	"	Can read,	Va.,	"	"	"	7
8	Floating Ice, Indian,	"	No education,	Ck'e N	Intemperate,	Single man,	Harmless man,	8
9	Jeesse A. House,	"	Good "	Va.,	"	Has 4 children,	Moderate behavior, previous very bad,	9
10	Joel H. Tuggle,	"	Can read,	Ga.,	Temperate,	Has a family,	" " "	10
11	James E. Powell,	"	No education,	Ala.,	Intemperate,	Single man,	Good " feeble health,	11
12	Francis Finetty,	"	Can read,	Irela'd,	"	Has a family,	Previous " bad, but improving,	12
13	Michael Martin,	"	Com. education,	"	"	Single man,	Good "	13
14	John Duncan,	"	No "	Tenn.,	Temperate,	"	" " feeble health,	14
15	Samuel Martin,	"	Can read,	Ga.,	Intemperate,	"	" "	15
16	Willbird Bass,	"	Com. education,	Mo.,	Temperate,	Has a family,	" "	16
17	Wm. Wynn,	"	"	N. C.	"	"	" " previous character bad,	17
18	Wm. Randolph,	"	"	Mo.,	"	Has 3 children,	Moderate " previous bad,	18
19	Barney McGowan,	"	"	Irela'd,	Intemperate,	Single man,	" " "	19
20	Henry Allen,	"	"	Ky.,	"	Has a family,	" "	20
21	Ben. F. Bartlett,	"	"	Ohio,	"	"	Good "	21
22	Francis Garrett,	"	Can read,	Ky.,	"	Single man,	" "	22
23	Wm. F. Toustelot,	"	Com, education,	La.,	"	Has a family,	" "	12
24	John Melone Lane,	"	"	S. C.,	Temperate,	Has a son,	" " prev's bad, bad health,	24
25	Wm. Johnson,	Good,	No "	N. Y.,	"	Single man,	Bad " bad, escaped twice,	25
26	Claiborn Thomas,	"	"	Tenn.,	"	"	Good "	26
27	David Bixby,	"	Com. "	N. Y.,	Intemperate,	Has a family,	" "	27

28	S. Hays, alias Jones,	Mid. good,	Com. education,	Tenn.	Intemperate,	Single man,	“	“		28
29	Patrick Griffin,	Good,	Can read,	Irela'd.	“	“	moderate	“		29
30	William Pugh,	Delicate,	Com. education,	N. C.	“	Has 3 bl'k children,	good,	“		30
31	John E. Land,	Feeble,	Good “	Va.	Temperate,	Has a wife,	“	“	bad health,	31
32	Wm. Golden,	Very bad,	Com. “	Irela'd.	“	Single man,	“	“	commuted from hanging,	32
33	James D. Ridge,	Good,	Good “	Ind.	Intemperate,	“	“	“		33
34	Sam'l Kellons,	Feeble,	Com. “	Va.	Temperate,	“	moderate	“	according to his age,	34
35	Sam'l Crooks,	Good,	“ “	Ky.	Intemperate,	Has a child,	“	“	previous bad,	35
36	John Keith,	“	Can read,	“	“	Has a family,	good	“		36
37	D. M. Gray, Cher'kee,	“	“	N. C.	“	Single man,	“	“		37
38	Armstrong Mullins,	“	No education,	Ky.	“	Has a family,	“	“		38
39	Edward Harden,	“	Com. “	Pa.	“	Has a wife,	moderate	“	2d imprisn't in this pris'n	39
40	John B. Herndon,	“	Good “	Ky.	“	Single man,	good	“		40
41	A. G. Underwood,	“	No “	“	Temperate,	Has a family,	moderate	“		41
42	Rebecca Wilkins,	“	No “	Tenn.	“	“ father & moth'r	living in Marion county, in this State,			42
43	James A. Reed,	Feeble,	Can read,	Ky.	“	“ a family,	good	behavior,		43
44	James Conner,	“	No “	Ala.	“	“ “	“	“		44
45	Joseph White,	Sick,	“ “	Ga.	“	Single man,	“	“	in bad health,	45
46	Wm. Harlis,	“	“ “	Ala.	Intemperate,	Has 5 children,	“	“	“	46
47	Berry H. Rogers,	“	Com. “	Ky.	Temperate,	“ wife, 8 childr'n,		“	unable to do anything,	47
48	Thomas S. Dalston,	Feeble,	“ “	“	Intemperate,	“ a family,	moderate	“	previous very bad,	48
49	Wm. Rose,	Good,	“ “	Ga.	“	“ “	“	“		49
50	C. Underwood,	“	No “	N. C.	“	Single man,	good	“		50

TABLE B.

SHOWING—The number of prisoners received from the State, February 26th, 1853, and received since up to the 16th October, 1854.

Number of prisoners received from the State,			49
Received since, white males,		29	
do female,		1	
black males,		3	33
Total,			82
Number pardoned and restored to citizenship,		11	
Number discharged by expiration of sentence,		10	
Number escaped,	11		
Number re-taken,	6	5	
Remanded back for new trial,	1		
Teken out by writ of habeas corpur,	1		
Died,	1		
Leaves in confinement,			53

RACE AND SEX.

White males,	49	
do females,	1	
Black males,	3	53

FOR WHAT CRIMES CONVICTED.

Murder in 2d degree,	12	
do of his own slave,	1	
Murder,	3	
Manslaughter,	2	
Assault and battery, with intent to murder,	1	
" " " kill,	2	
Larceny, horse stealing,	11	
do negro "	5	
Petit larceny,	7	
Forgery,	2	
Rape,	1	
Felonious assault,	1	
Kidnapping,	1	
Robbery,	1	
Runaway slaves	2	53

COUNTIES SENT FROM.

Arkansas,	1	Lafayette,	1
Crawford,	8	Monroe,	2
Conway,	1	Mississippi,	3
Carroll,	1	Newton,	1
Chicot,	2	Pulaski,	5
Desha,	1	Phillips,	3
Fulton,	1	Prairie,	1
Crittenden,	2	Pope,	3
Hempstead,	1	Ouachita,	1
Jefferson,	1	Sebastian,	1
Izard,	2	Union,	2
Lawrence,	2	U. S. District,	1
Independence,	1	Washington,	1
	24		26
Runaway slaves:			
Desha, 1, Pulaski, 2,	3		27
Total,			53

NATIVITY.

Alabama,	3	Ohio,	2
Cherokee Nation,	2	South Carolina,	1
Georgia,	4	Virginia,	4
Ireland,	5	Tennessee,	5
Louisiana,	1	Indiana,	2
Kentucky,	10	Pennsylvania,	1
Missouri,	3	New York,	2
North Carolina,	5	Runaway Slaves,	3
Total,			53

AGES WHEN RECEIVED.

Under 20 years of age,	2	
From 20 to 30 years,	24	
do 30 to 40 "	13	
do 40 to 50 "	4	
do 50 to 60 "	5	
Over 60,	1	
do 70,	1	
	50	
Runaway slaves,	3	53

HABITS OF LIFE, REPORTED BY THEMSELVES.

Temperate,	21	
Intemperate,	29	
Runaway slaves,	3	53

SOCIAL RELATIONS.

Married,	24	
Single,	19	
Widowers,	6	
Widow, grass,	1	
Runaway slaves,	3	53

EDUCATION.

No education,	16	
Can read.	9	
Common education,	21	
Good "	4	
Runaway slaves,	3	53

LENGTH OF SENTENCE IN THIS PRISON.

For 1 year	5	For 7 years, 6 months,	2
" 2 "	2	" 10 "	4
" 2 " 3 months,	1	" 12 "	1
" 3 "	4	" 15 "	2
" 5 "	15	" 18 "	1
" 6 "	1	" 21 "	7
" 6 " 6 months,	1	" 7 "	3

Total number of convicts,	50
Runaway slaves, until reclaimed by owners,	3
Whole number in charge of keepers,	53

SHOWING THE NAMES OF CONVICTS DISCHARGED BY EXPIRATION OF SENTENCE.

Ambrose Munds,	May 1st, 1853.
Drewry J. Haynes,	July 9th, “
Laughlin McDonald,	August 27, “
Martin Lynch,	“ 27, “
William H. Montgomery,	Nov'r 2d, “
James Legrone,	Dec'r 26 “
William Harris,	March 27, 1854.
Wyatt Evans,	August 26, “
Samuel Tommelson,	Sept'r 5, “
Joseph A. McCommon,	“ 27, “

SHOWING THE NAMES OF CONVICTS PARDONED AND RESTORED TO CITIZENSHIP.

Robert Waterman,	April 7, 1853.
Henry J. Hardin,	June 25, “
John Spence,	Nov'r 1, “
Samuel Cox,	March 14, “
Felix McElroy,	August 3, “
Charles Oliver.	“ 9, “

LIST OF CONVICTS PARDONED BY HIS EXCELLENCY, THE GOVERNOR.

	NAMES.	Ages when received.	Counties sent from.	Crimes.	Terms of sentence.	When committed to prison.	Place of nativity.	Day of pardon.	
1	John G. Whitfield,	27 years,	Phillips,	Assault with intent to com. rape,	5 years,	June 18, 1852,	Tenn.	May 9, 1853,	1
2	Willy Searlock,	16 "	Pope,	Larceny,	1 "	Sept. 26, 1853,	Ark.	Sept. 27, 1853,	2
3	Wm. Moore,	27 "	Phillips,	Shooting with intent to kill.	5 "	June 11, 1849,	Tenn.	April 5, 1854,	3
4	James Goad,	18 "	Madison,	Arson,	2 "	April 26, 1853,	"	" 5, "	4

Pardoned on condition to leave the State within 20 days, and never again return to it.

Arch. Brown—27 years of age when received—from Madison county—for horse stealing—sentenced for 5 years—committed on the 14th October, 1849—from South Carolina—pardoned September 27th, 1854.

LIST OF RUNAWAY SLAVES.

Henry, supposed to be 29 years old, says he belongs to William Ferguson, Moulden, Russellville county, Alabama; received of the sheriff of Desha county, on March 31st, 1854.

Reuben, supposed to be 20 years old, }
Bill, " " 22 " } and both say they belong to Avery Breed, Potsego, on Louisiana Bay, Mississippi river, received of the sheriff of Pulaski county, on April 25th, 1854.

DEATHS.

Obediah Knox, died of dyspepsia, on March 6th, 1854.

We deem it prudent to make the following remarks:

Obediah Knox was sick when admitted into this prison, and never was able to do any work. By report of the sheriff of his county, he had taken medicine enough, after he was sentenced to the penitentiary, to destroy himself gradually.

TAKEN OUT.

William Reaves, was taken out by writ of habeas corpus, on November 10th, 1853.

John Stewart, was taken out by order of the Supreme Court, on the 28th August, 1853, for new trial.

NAMES OF CONVICTS ESCAPED SINCE FEBRUARY 26th, 1853.

James Stewart,	May	22,	1853.	
David Parker,	July	31,	“	
Francis Finerty,	August	12,	“	
William Johnson, first time,	“	“	“	
Patrick Griffin,	“	“	“	
Peter Houston,	October	31,	“	
William Harris,	Jan'y	15,	1854.	
Edward Hardin,	April	20,	“	
John Harrington,	“	“	“	
John Smith,	“	“	“	
William Johnson, second time,	May	3d,	“	
Total,				11

Recaptured and now in confinement:

Francis Finerty,	August	15,	1853.	
William Johnson,	“	18,	“	
Patrick Griffin,	“	19,	“	
William Harris,	Jan'y	19,	1854.	
Edward Hardin,	April	25,	“	
William Johnson,	May	17,	“	
James Stewart, time expired since.				
				7
Now running at large,				4

GEORGE & ROBINS,
Keepers.

REPORT

OF THE

STATE COMMISSIONER

OF

COMMON SCHOOLS.

Office of the Secretary of State,
Little Rock, 13th November, 1854.

To his Excellency, Elias N. Conway:

By an act of the last General Assembly "revising the common school system in the State of Arkansas," the Secretary of State is made ex-officio "State commissioner of common schools," whose duty it is made to report to the Governor the condition of common schools in the several counties of the State; the number of schools in each county; the number taught by males, and the number taught by females; the whole number at school, and the number of free white children under the age of eighteen and over five years; the amount of State, county and township funds; the amount annually expended for common schools; the amount collected by taxation, if any; the number of teachers employed, and what price per month, quarter or session of five months; the number of school houses, together with such other information and suggestions as he may deem important in relation to the school laws and the best means of promoting and disseminating education throughout the State."

The law contemplating that the report of the State commissioner would be based upon the data furnished to him by the reports of the common school commissioners, of the several counties, I have delayed making this communication beyond the time required of me, in the hope to have it full and complete, from as many counties as possible. The accompanying statement embodies all the information in regard to the condition of common schools in the State, I have been able to collect from the reports made to me by the county commissioners.

It will be seen that, from a large number of counties, no report has been received. I have reason to believe that in many counties there has been no organization under the present common school system, not even to the extent of electing a county commissioner of common schools; many of them still acting under the old law.

The reports of the county commissioners show that their efforts to organize common school districts have been embarrassed by a manifest inadvertence in the passage of the law.

The 33d section enacts, "That whenever a majority of the householders of any congressional township petition the commissioner for that purpose, he shall order an election to be held in such township for the election of three trustees, who shall hold their offices for the term of two years, and until their successors are elected and qualified, which election shall, in all respects, be conducted as other elections, and the returns thereof shall be made to the common school commissioner of said county, *Provided, The first election shall be held on the first Monday in August next, and every two years thereafter.*" It is obvious that the *proviso* in this section has rendered the law wholly inoperative and impracticable, so far as it regards the election of township trustees; the county commissioner being elected for the first time on the same day as that specified for the election of township trustees; and therefore, the latter could not be elected by the "*order*" of the former upon the petition of the householders of a township.

This error should be remedied by empowering the common school commissioner of the county to order an election for township trustees, at any time upon the petition of the inhabitants of the township.

The county commissioners in their reports to me have suggested this amendment; and, also, urgently request that the General Assembly will permit the present common school law to stand unchanged. They complain of the frequent changes made in our common school laws since the first legislation towards the establishment of a system for the State; alledging that as soon as the people begin to understand one law, it is superseded by a repealing one. All will admit that the statute book of the State furnishes much ground for this complaint.

The condition of common schools in the State presents a gloomy picture; but the friends of education should not be discouraged. The same difficulties experienced by Arkansas in their establishment have been more or less felt in all the new and sparsely settled States.

It is estimated that there are about 1,500 school sections of land in the State. This, at the present minimum price would amount to a large sum; to be added to which are the proceeds of the sales of the Seminary and Saline lands, beside the school revenue, arising from fines, forfeitures and other sources. The great obstacle in the organization of common schools is not so much a deficiency in the means to sustain them, but it is attributable to the indifference that pervades the public mind on the subject of education. I am warranted in this belief from facts derived from the reports of many of the county commissioners.

These reports show that in many townships there are ample means for the maintenance of a common school, yet there has been no effort made to establish one. This fact shows that in many instances school sections have been sold, not with a view to the education of the children of the township.

The law requires me to make such suggestions as I may deem important in relation to common schools, and the best means of disseminating education throughout the State. In compliance therewith, I give it as my opinion that the State ought to appoint a superintendent of common schools. A man of ability and education should be selected, whose duty it would be to go amongst the people, and by his intercourse with them, by public lectures and otherwise, he could facilitate the organization of school districts. An enlightened and zealous superintendent would be able, not only to arouse the public lethargy on the subject of education, but he could create a public sentiment in its behalf. The best attainable talents should be employed, and a liberal salary allowed; for it cannot be expected that competent men will devote themselves to the public service from motives of pure patriotism alone. The policy of appointing a superintendent of public instruction has been adopted, I believe, in all the States that have made any progress towards establishing a system of popular education.

The county school commissioners are allowed a poor compensation under the present law, for the duties they are required to perform. They now receive two per cent. on all moneys coming to their hands. This can be slightly increased without detriment to the school fund, by giving them the one per cent. now paid to the township treasurers. The office of township treasurer can be abolished with advantage to the system, and the duties conveniently performed by the county commissioner.

In concluding this imperfect report, I beg leave to suggest, that whatever changes and modifications the General Assembly may deem expedient to be made in the present law, one paramount consideration ought to govern all legislative action on this important subject—the sacred preservation of the school fund for the object to which it has been devoted. And, though the present time be unfavorable to the organization of a school system, yet, under no pretext ought any portion of the fund be diverted to other purposes, but cautiously guarded until the arrival of a period more propitious for its successful application to the great cause of popular education.

DAVID B. GREER, *Secretary of State,*
and Ex-officio State Commissioner
of Common Schools.

STATEMENT—Showing the condition of the Common Schools in the counties from which reports have been received by the State Commissioner.

COUNTIES.	Aggregate of school fund.	State fund.	County fund.	Township fund.	No. of schools.	No. taught by males.	No. taught by females.	
Benton	$2022 08							
Bradley	4392 88							
Carroll		$1100 00	$548 00	$1120 00				
Chicot					2	1	1 by male and female.	$1800 salary paid for both, 57 children at school.
Columbia				7488 00				
Conway		State & co. fund,	1282 00	1282 00				
Crittenden			1785 79	3397 49				
Dallas			1696 19	2349 56				35 children at school, teacher paid at the rate of $400 per annum.
Desha			1815 45	7978 84	2			
Drew	1099 29							
Franklin		1036 00	1195 10	3948 09				
Hempstead	2949 77							
Independence		292 73	200 00	3906 52				
Jackson		State & co. fund,	1056 00	5966 00	22	20	2—500 children	at school, am't p'd teacher including am't p'd by individuals $4062 00
Jefferson		476 00	1484 00	18441 42	10	6	4—200 children	at school, am't annually expended for co. schools, $1200, 4 teachers, paid $30 per month.
Johnson			1925 22	2678 75				
Lafayette		263 45	570 15	1308 46				
Ouachita		State & co. fund,	4000 00	6500 00	4	4		141 children at school.
Phillips		" " "	1598 75	2625 00				
Pope		" " "	1927 31	1470 36				
Prairie			1700 00	2598 52				
Randolph		" " "	2365 00	2500 00				
Scott	2060 11							
Sebastian		" " "	615 79	6029 98				
Union		1127 82	2821 44	18346 45				$732 expended for common schools.
Van Buren		State & co. fund,	800 60					
Washington		" " "	4044 09	5184 65				
Yell			836 75	2056 36				

DAVID B. GREER, *Secretary of State and Ex-officio*
State Commissioner of Common Schools.

P.

SPECIAL

MESSAGE OF THE GOVERNOR.

EXECUTIVE OFFICE,
Little Rock, Ark., Jan. 4th, 1855.

*To the Speaker of the House of Representatives
of the General Assembly of the State of Arkansas:*

In my message, to the General Assembly, communicated on the 7th day of November, 1854, I used the following language, to wit: "Your consideration is requested to the facts that the survey of that part of the route for the Cairo and Fulton railroad, in this State, was completed on the 25th of September, 1854, and that the act of Congress requires that a copy of the survey of said road, "*shall be forwarded to the proper local land offices, respectively, and to the general land office at Washington city, within ninety days after the completion of the same*."

"By the communication of the chief engineer, dated October 13th, 1854, addressed to the president of the Cairo and Fulton railroad company, you will see that the necessary copies of the survey have been prepared in accordance with the instructions of the commissioner of the general land office, and are now ready to be forwarded to the proper local land offices, respectively, and to the general land office as required by law." "That this may be be done, the granted lands selected, and the public lands along the line of the road restored to market, so that actual settlers may acquire them, it is recommended that the survey of the road, as made and adopted, be confirmed by an act or joint resolution of the General Assembly, in time to have a copy of the survey filed in the general land office and the proper local land offices, respectively, before the 25th day of next month." "To do this, prompt action is necessary, and therefore recommended."

Finding that the General Assembly, with these facts and suggestions before them, were not likely to come to any definite action on the subject in time to have the copies of the survey of the Cairo and Fulton railroad "forwarded to the proper local land offices, respectively and to the general land office, at Washington city, *within ninety days after the completion of the same*," as required by the act of Congress, and deeming it a matter of too great importance to the interests of the State of Arkansas to risk the loss of more than one year's work in making the survey and preparing for the construction of the road, and desiring that the General Assembly should have no obstacles in their way for one moment to impede their action, and knowing that the officers of the Cairo and Fulton railroad company had in every instance, in my official intercourse with them, manifested a strong desire for the certain and early construction of the road, whether by the existing company or any other, who could and would perform the great work without a failure, and expeditiously; and knowing that the officers of the company would readily do anything in their power consistent with the rights of the stockholders, to relieve the General Assembly from any embarrassments on account of the vested rights of the company, at my instance and suggestion the executive committee of the Cairo and Fulton railroad company adopted and filed with me proceedings and resolutions of which the following are copies, to wit:

OFFICE CAIRO AND FULTON RAILROAD CO.,
Little Rock, Ark., Dec. 22, 1854.

To his Excellency, E. N. CONWAY,
Governor State of Arkansas:

SIR: Herewith I have the honor to transmit a certified copy of an order and resolutions of the executive committee of this company, also two copies of the survey of the line or route of the Cairo and Fulton railroad.

Very respectfully, your ob't serv't,
ROSWELL BEEBE, *President.*

OFFICE CAIRO AND FULTON RAILROAD CO.,
Little Rock, Ark., Dec. 22, 1854.

At a meeting of the executive committee of the Cairo and Fulton railroad company, this day, it was ordered,

That the survey of the line or route of said road, made by authority of said company, and completed on the 25th day of September, 1854, and by said company approved and communicated to the Governor, for the information and action of the executive and legislative departments of the State government, and communicated to the General Assembly, with the annual message of the Governor, not having as yet been acted on definitely by the General Assembly; and the time mentioned in the act of Congress granting lands to the State, to aid in the construction of said road, approved February 9th, 1853, for the transmission to certain land offices of the United States a copy of such survey, being now about to expire, with a view of avoiding all questions as to the forfeiture of the lands granted by said act, and reserve to the State the advantage thereby contemplated—

Resolved, That the President of this company cause the said survey of the line or route of said road to be delivered to the Governor of this State, who is hereby authorized to make such disposition thereof as in his judgment will best subserve the interests of the State and protect the rights of this company.

Resolved further, That this company, being first reimbursed and paid the amount of all expenditures incurred and made for the survey of said line or route, and other necessary incidental expenses, (all of which shall be audited and adjusted by said company in the usual manner, and shall not exceed thirty-five thousand dollars,) has no desire to hold the franchises now enjoyed, in opposition to the will of the General Assembly, or to the prejudice of the public interest; and upon the terms mentioned, will surrender to the State all its franchises, when, by law or joint resolution, such will shall be manifested, and such indemnity provided, at any time during the present session of the General Assembly.

DANIEL RINGO, *Chairman*
Executive Committee.

I certify the foregoing to be a true copy of the original, on file in the office of the Cairo and Fulton railroad company.

B. C. HARLEY, *Secretary*
Cairo and Fulton R. R. Co.

After the receipt of these proceedings, on the 23d December, 1854, I forwarded copies of the survey of the Cairo and Fulton railroad to the commissioner of the general land office, and to the local land offices, respectively, and the following is a copy of my letter to the commissioner, and those to the registers were of similar import, to wit:

EXECUTIVE OFFICE,
Little Rock, Dec. 23, 1854.

SIR: Under "an act to incorporate the Cairo and Fulton railroad company," approved 12th January, 1853, the company caused to be surveyed the route for a railroad, from a point on the northern boundary of the State (in the direction of Cairo), to the Texas boundary, near Fulton, in Arkansas; and the chief engineer of the company reported to the president of the company that the said survey was completed on the 25th September, 1854.

A question has arisen whether this survey made under an act of the General Assembly of the State of Arkansas, approved 12th January, 1853, would be a compliance with the requirements of the act of Congress of 9th February, 1853, without some legislative sanction of the General Assembly, subsequent to the date of the approval of the act of Congress, granting alternate sections of land to aid in the construction of a railroad from a point in Missouri, opposite Cairo, via Little Rock, to the Texas boundary, near Fulton, in Arkansas.

It is the opinion, on one side, that the survey made under the act of the 12th January, 1853, was done by the direction of the General Assembly of this State, within the meaning of the subsequent act of Congress of 9th February, 1853; and that therefore, the 25th day of September, 1854, is the date of the completion of the legal survey of the road, under the direction of the General Assembly. On the other side it is held that the completion of the survey will only date from the date of the approval of the survey by an act or joint resolution of the General Assembly.

I deem it a matter of too much importance to the interests of the State to risk the loss of the survey of this road, and the granted lands, upon the construction of the laws, when different individuals seem confident in positions diametrically opposite on the subject.

I therefore forward to the general land office a copy of the survey of the road, so that it may be received and preserved there until the General Assembly of the State of Arkansas shall have acted definitely on the subject; and without any action upon your part of having the route of the road and the granted lands designated on the plats, until you are further advised in the premises by the Governor of the State of Arkansas.

I would be obliged by an acknowledgment of the receipt of the copy of the survey herein referred to; and would be pleased to receive any suggestions that you may deem advisable to make relative to the interests involved in this matter. The General Assembly of the State is now in session, and I confidently hope that within two weeks some definite action will be had upon the subject of the Cairo and Fulton railroad and branches; and at the earliest convenience thereafter I propose to write to you again on the subject.

Most respectfully, your ob't serv't,

ELIAS N. CONWAY.

Hon. JOHN WILSON, *Commissioner of*
General Land Office, Washington city, D. C.

The copies of the survey of the Cairo and Fulton railroad having been forwarded to the general land office, and to the local land offices, respectively, *within ninety days* after the completion of the survey, there is now no danger of losing the work done under any construction which may be placed upon the laws on the subject. The company having by the action of its executive committee bound itself voluntarily to surrender all its franchises to the State, together with all the documents, reports and papers, evidences of the survey of the road, upon being requested by an act or joint resolution of the General Assembly to do so, and at the same time making an appropriation of not exceeding $35,000, at the present session to indemnify the company for all the expenses of making the survey, obtaining the right of way from individuals for the road as far as the same has been obtained, there seems now to be no obstacle whatever in the way to retard for one moment any action which the General Assembly may choose to have to insure a full settlement of the question, in which the people of the State feel so deep an interest, and upon which they are anticipating such action as will cause the early commencement and certain construction of the road.

In order that the General Assembly might have complete and full information on the subject, so as to judge of the character and ability of the stockholders in the Cairo and Fulton railroad company, and act understandingly in donating the lands to the company, or in divesting them of their franchises, should the general assembly deem it to the interest of the State to do so, at my suggestion and request the president of the company has furnished me with a complete list of the stockholders, showing the amount of stock taken by each in the Cairo and Fulton railroad company; and a copy of the letter of the president transmitting said list, and a copy of the list of stockholders are herewith furnished as follows, to wit:

OFFICE CAIRO AND FULTON RAILROAD CO.,
Little Rock, Ark., Jan. 3, 1855.

To his Excellency, E. N. CONWAY,
Governor of the State of Arkansas:

SIR—In answer to your communication of this morning, I have the honor to transmit herewith duplicate lists of the names of the stockholders in this company, and the number of their respective shares, as far as returns have been made.

The expenditures of the company, made and incurred up to this time, are about thirty thousand dollars, which embraces the cost of the survey of the road, instruments and other articles of outfit, necessary incidental expenses for soliciting stock subscriptions and procuring right of way, etc.

Very respectfully, your ob't serv't,
ROSWELL BEEBE, *President.*

Having now complete information, showing that there are about seven hundred of our citizens and several counties in the

State stockholders in the Cairo and Fulton railroad company, have at their own expense had the route of the road surveyed by an experienced and scientific corps of engineers, have adopted the route, complied with the act of Congress, and after doing this have to insure the speedy and harmonious action of the General Assembly, voluntarily agreed to surrender their franchises and all of their work to the State upon being reimbursed, at this session of the General Assembly, what they have expended, it is hoped that the General Assembly may now come to some just and definite action that will cause the road to be certainly and speedily constructed.

With regard to the terminus of the eastern branch of the Cairo and Fulton railroad, should it be determined by the General Assembly not to fix the terminus at Napoleon or at Helena, but to designate Hopefield, opposite Memphis, as the terminus, it seems to me that the interests of this State, and of its citizens, would be greatly promoted by providing by the act fixing the terminus that the line of the route as surveyed and adopted by the Midland railroad company, from the Little Rock to the eastern bank of White river, at Clarendon, be adopted as the line of the branch of the Cairo and Fulton railroad, and that the same shall be a common track for the use of the two branches, one from Helena and the other from Hopefield. We will then have two roads from the Mississippi to White river instead of one, and the road from Little Rock by the way of Clarendon would avoid the overflow between White and Cache rivers, and also the expense of bridging Cache river, and the matter would thus be compromised and settled so as to accommodate both Hopefield and Helena. It is believed that this route to Hopefield or Memphis would be less expensive than one crossing White river above the mouth of Cache river. If the road should cross White above the mouth of Cache, the deep overflow intervening between that route and Helena it is believed would preclude a connection, and the Helena road would no doubt be wholly defeated without gaining for the State one single benefit to compensate for the defeat of the Helena road. I submit this whole matter to your deep consideration, having confidence that you will act for the best interests of the State.

ELIAS N. CONWAY.

List of Stockholders in Cairo & Fulton R. R. Co., to June, 1854.

Value of Shares, $25 each.

Names and residence of Stockholders.	No. shr's	Am't.
B. P. Jett, Hempstead county	40	$1000
S. L. Slack	8	200
S. F. Mitchell	1	25
Lawson Setzis	2	50
Hezekiah Askew	2	50
T. H. W. Maddux	20	500
D. E. Williams	10	250
Jos. Patterson	2	50
R. P. Williams	20	500
W. N. Johnson	2	50
D. T. Witter	20	500
P. R. Booker	20	500
D. R. Winn	2	50
H. P. Poindexter	20	500
S. W. Scoggin	4	100
J. Custer	4	100
A. H. Carrigan	4	100
T. D. McFadden	4	100
E. Ferguson	4	100
J. May	4	100
Thomas G. Parker	4	100
Matthew Morse	8	200
Benj. P. Jett	10	250
A. A. Stith, Ouachita county	4	100
William Wynn, Lafayette co	200	5000
James Reaves, Hempstead co	2	50
John Anderson	2	50
Jesse Condrum	4	100
James Anderson	2	50
John Field	25	625
B. F. Hawkins, Sevier co	200	5000
A. F. Dyer, Pulaski county	20	500
John M. Ross	20	500
George Metzger	20	500
Noel G. Neal, Sevier co	30	750
J. W. Johnson	8	200
B. H. Kinsworthy	20	500
William M. Bruce, Clark co	4	100
William A. Trigg	10	250
Isaac W. Smith	4	100
J. M. Ashby	10	250
J. H. Crow	2	50
J. O. Colloway	10	250
M. Bozeman	15	375
H. K. Hardy	60	1500
C. T. Jourdan	4	100
James K. Rodgers	10	250
Heard & Sloan	10	250
D. H. Ross	10	250
J. B. McDaniel	10	250
T. A. Ross	10	250
W. F. S. Barkman	50	1250
A. G. Johnson	4	100
Joseph Cossart	4	100
J. J. Osborne	4	100
T. D. & G. Kingsbury	20	500
Wiley Rogers	4	100
James Sloan	5	125
B. B. Dickenson	10	250
Joseph Cossart	4	100
D. W. Heard	4	$ 100
G. L. Manning	8	200
J. A. Hardage	4	100
O. Trawick	4	100
J. L. Witherspoon	4	100
W. P. McClure	8	200
Internal Improvement Fund	280	7000
John H. Smith	6	150
H. Flanigan	8	200
J. M. Candler	8	200
E. J. Borland, Beech Creek	4	100
Jesse Skinner, Clark county	4	100
Green B. Hughes, Saline co	50	1250
Nelson Knight	4	100
W. H. Ketlner	1	25
John A. McAdoo	2	50
Wm. A. Crawford	4	100
J. W. Shoppach	4	100
Wiley A. Jones	2	50
Hermann Levi	4	100
A. C. Henderson	8	200
Joseph Brooks	2	50
J. M. Tudor	4	100
John Nelson	4	100
David Dodd	8	200
John G. Fletcher	4	100
E. R. McGuire, Independence county	50	1250
D. J. Chapman	25	625
W. W. Tunstall, Jackson co	100	2500
R. R. Kellogg, Independence county	5	125
Internal Improvement Fund	200	5000
Internal Imp. fund Pike co	200	5000
Wm. G. Dorsey	2	50
Moses Ashbrook	4	100
S. M. Old, Sevier county	4	100
J. T. Turrentine	10	250
E. G. Corder, Choctaw Nation	4	100
J. M. Skelton	25	625
George Hudson	4	100
Reason Jones	4	100
R. E. Perkins	4	100
L. S. W. Folsom	4	100
Joseph Hodges	5	125
Daniel Folsom	4	100
N. W. Folsom	4	100
H. N. Folsom	20	500
P. C. Folsom	1	25
C. F. Stewart	10	250
Samuel Folsom	20	500
George W. Hawkins	8	200
L. N. Folsom	8	200
J. P. Kingsbury	4	100
William Bryant	4	100
D. W. Trout, Pennsylvania	5	125
Henry C. Hawkins, Choctaw Nation	8	200
Eastman Loman	4	100
John M. Logan, Pennsylvania	8	200

Names and residence of Stockholders.	No. shr's	Am't.
V. B. Tims, Choctaw Nation..	10	$ 250
Perry Hall..................	1	25
Moses Ashbrook..............	4	100
Thomas Drennen..............	8	200
V. N. Borland...............	4	100
D. M. Holman, Sevier county..	4	100
Andrew Pawley	4	100
Calvin C. Cooper............	10	250
James M. Coulter	50	1250
John M. Mitchell, Green co...	20	500
Zacharie Risley.............	2	50
A. Sitze	8	200
L. B. McNiel	8	200
E. M. Allen.................	8	200
Neal McNiel	8	200
James McNiel................	8	200
P. A. McDaniel, White co....	4	100
David Maxwell...............	10	250
W. M. Craig.................	10	250
J. W. Bond..................	10	250
J. G. Robbins...............	2	50
W. B. Norman................	2	50
R. S. Bell..................	4	100
W. H. Bath, jr..............	2	50
Elijah Little, White co.....	2	50
W. B. Isbell................	4	100
Jesse N. Cypret	1	25
J. W. McCouaughey...........	1	25
George Olds.................	1	25
Harris Edwards	1	25
Hiram Banks	1	25
E. C. Rogers	4	100
Peter S. Banks..............	2	50
Richard Dodson..............	1	25
Internal Improvement fund...	200	5000
Harrison Brown..............	4	100
Mary A. Hudson..............	2	50
John M. Moore...............	10	250
J. G. Gowen.................	2	50
Israel M. Moore.............	50	1250
H. M. Stewart...............	20	500
A. J. Jones.................	5	125
John Adams..................	1	25
James McKnight, Lawrence co.	1	25
David McKnight..............	1	25
Martha G. Cravens...........	1	25
Isaac L. Horner.............	1	25
Peter Lamew	2	50
G. E. Hardin	4	100
Mary C. Cravens	1	25
Margaret P. Cravens.........	1	25
Joseph Horner	1	25
Anne Warner.................	1	25
Jacob Warner................	1	25
Moses Robertson.............	4	100
G. W. Patterson.............	8	200
W. H. Musker	4	100
C. B. Drennen...............	2	50
J. R. Drennen...............	2	50
Mary S. Drennen.............	1	25
W. H. Swan..................	1	25
Sarah J. Swan	1	25
John T. Ross................	1	25
Watson L. Smith.............	1	25
Benjamin R. Smith...........	1	25
Sarah W. Smith..............	1	25
William F. Smith............	1	25
Lucinda E. Imboden..........	10	250
Asa H. Eddy.................	5	$ 125
John Kirkwood...............	4	100
H. C. Kirkwood..............	1	25
T. J. Warner	2	50
C. E. Patterson.............	1	25
Uriah Smith.................	1	25
Andrew J. Harding, Green co.	10	250
W. G. Bohanning.............	8	200
John Scott..................	1	25
Benjamin Harris, Poinsett co..	5	125
J. C. Brookfield............	5	125
Andrew Hallum...............	1	25
Robert H. Stone.............	5	125
Richard Spencer.............	1	25
Robert Stribling, Hot Spring county	20	500
John P. Emmerson............	10	250
Morris R. Lusk..............	2	50
Emma C. Smith, Lawrence co.	1	25
John R. Frame, Hot Spring co	4	100
John Chandler...............	4	100
Samuel Bender...............	10	250
John F. Keath...............	4	100
Thomas J. Brooks............	4	100
William A. Patterson........	2	50
Wiley R. Patterson..........	2	50
Laura E. Patterson..........	2	50
William K. Gill, Lawrence co.	4	100
T. H. Cloud.................	4	100
J. G. Halleburton...........	10	250
Internal Imp. fund, Hot Spring county	200	5000
Nathan J. Smith, Hempstead county	16	400
A. H. Blevins...............	20	500
J. E. Elay..................	1	25
W. J. Wright................	1	25
Edward Cross................	200	5000
D. & V. Block...............	40	1000
Daniel E. Alexander.........	20	500
James H. Smith..............	4	100
A. J. Price.................	2	50
Int. Improvement fund, Sevier county............	320	8000
W. J. Frierson, New Orleans..	30	750
Thomas H. Arnold, Hempstead county	10	250
Lewis Nance, Ouachita co.....	2	50
Walter Scott................	4	100
James Craig.................	2	50
Edward Crews................	4	100
W. L. Bright................	2	50
J. W. Weaver................	2	50
James M. Ingram.............	2	50
James Munn..................	16	400
H. & J. Cornelius...........	10	250
W. H. Bizzell, Sevier county..	80	2000
R. B. Pearce................	80	2000
Thomas B. Bizzell...........	40	1000
T. C. P. French.............	40	1000
B. H. Layne.................	80	2000
Robert B. Pearce............	4	100
W. K. McKean................	4	100
Richard Bellah..............	4	100
E. Smoot....................	1	25
Edward Wisson, Hempstead co.	20	500
James M. Herrin.............	10	250
S. M. Phillips, Sevier county..	4	100

Names and residence of Stockholders.	No. sh'rs	Am't.
John Morris	2	$ 50
Ira Smoot	4	100
Amos Ladd	2	50
Green Johnson, Sevier county	2	50
Shelton Watson, Union co	4	100
J. B. Holman, Sevier county	4	100
C. H. Howell, Choctaw Nation	4	100
J. W. Homo, Sevier county	4	100
John Matthews	4	100
S. W. McNeeley	50	1250
William McKnown	8	200
Robert H. Scott	50	1250
G. W. Robinson	1	25
George Smith, sr	2	50
John D. Boon, Pike co	2	50
Thomas S. Allman, Sevier co	8	200
J. W. Harman	8	200
Robert Martin, Dallas co	50	1250
W. F. Smith	10	250
T. F. Sorrells	4	100
S. G. Smith	4	100
Montgomery & Green	10	250
S. Reamey	4	100
W. T. M. Holmes	2	50
P. H. Thomas	5	125
Joseph Gray	10	250
Adolphus D. Jones	10	250
Alanson M. Lea	4	100
John Munn	1	25
Alex. Butler	4	100
J. A. Pattillo	10	250
John D. Sims	4	100
M. W. McCraw	2	50
Abner W. McNamee, Dallas county	10	250
Samuel H. Jones	1	25
Alexander Fry	1	25
James Thompson	4	100
Thomas Peterson	4	100
John A. Goodgame	2	50
John W. Adams, Prairie co	4	100
M. Robinson	10	250
George W. Miller	2	50
John M. Harrison	8	200
John Jones, Green co	2	50
Singleton Copeland	2	50
James M. Watson	2	50
William Dean	10	250
F. S. White	1	25
P. K. Lester	4	100
M. L. Grayson	1	25
A. D. Grayson	2	50
G. B. Croft	5	125
R. C. Jones	2	50
J. H. Kitchens	4	100
J. S. Fisher	1	25
H. M. Edwards	2	50
F. M. Davis	1	25
Abel Ray	1	25
Moses Reynolds	2	50
L. Thompson	2	50
James Russell, Randolph co	50	1250
W. W. Donthitt	4	100
W. N. Lane, Lawrence co	1	25
J. F. Perkins	1	25
John Miller, jr	1	25
Zacharie Roberts	1	25
Jesse Goff	1	25
J. H. Oldham	2	$ 50
James R. Burns	1	25
J. N. Hillhouse	1	25
A. I. Rainey	1	25
A. D. Hillhouse	1	25
John B. Fazier	2	50
P. J. Christian	2	50
Alfred Oaks	2	50
Tilman V. Foster	1	25
George W. Parsley	1	25
James M. Barnett	1	25
James Taylor	1	25
David S. Fraley, Independence county	10	250
William R. Miller	8	200
A. D. Ramsey	20	500
Henry C. Dye	50	1250
Thomas Cox	8	200
J. H. Egner	8	200
S. W. Bright, Kentucky	20	500
R. W. Watson, Independence county	10	250
J. W. Carrigan	20	500
John A. Perkins	4	100
Henson Simpson	4	100
Joseph Thomas	4	100
Z. D. Sisco, Jackson co	2	50
William M. Morris	1	25
Harrison Foster	1	25
Aaron Michael	1	25
A. P. Allen	1	25
Abraham Foster, Independence county	1	25
William J. Powell, Jackson co	1	25
M. J. Brown	1	25
Sarah Jane Michael	1	25
T. T. Tunstall	100	2500
H. C. Tunstall	10	250
P. M. Benham	2	50
Lucinda D. Benham, Jackson county	2	50
James Robinson	50	1250
Wilson Miller	10	250
H. R. Owens	1	25
Thomas Hough	20	500
G. W. Gray	4	100
Harman & Williams	5	125
J. T. Bland	5	125
Robert Bland	5	125
B. F. Bland	20	500
Thomas E. Erwin	4	100
McCurdy & Brittin	10	250
John R. Hood	5	125
Henry Miller	4	100
Ducius McCreery, White co	4	100
W. B. Isbell	4	100
R. J. Rogers	1	25
G. W. Davis	1	25
Stephen Brundige	2	50
T. J. Kellem	4	100
H. H. Coleman, Dallas co	1	25
M. H. Jackson, Independence county	10	250
B. S. Mosely, Jackson co	4	100
M. R. Price	2	50
Green R. Jones, Lawrence co	2	50
C. C. Straughan	2	50
E. B. Woodrome	1	25

Names and residence of Stockholders.	No. shr's	Am't.
John F. Allen, Independence	8	200
E. S. McGuire	2	50
J. H. Patterson	10	250
P. H. Childress	2	50
H. W. Hunt	4	100
James Dunnegan	10	250
Adam M. Martin	4	100
James Mathes	1	25
L. Tomlinson, Jackson co	2	50
W. J. Fowler, Independence co.	2	50
Thomas J. Carter	8	200
A. N. Mayland	1	25
John Gibbs	1	25
Elisha A. Robinson	4	100
G. J. Ward, Jackson co	4	100
William M. Payne	2	50
L. M. Holloway	4	100
P. Vorndran	1	25
R. P. Talley	20	500
B. C. Harley	8	200
J. M. Boyd, Jackson co	2	50
S. P. Boyd	1	25
James Foster	2	50
James Catlin, Independence co.	2	50
Thomas Hough, Jackson co	30	750
Bowen Snow	1	25
A. Jordan	1	25
Jesse Richmond	1	25
E. M. Shettlesworth	4	100
J. Johnson Hupp	4	100
Thomas A. Eppes	4	100
L. B. Purssell	4	100
John T. Hamblet	4	100
E. M. Owens	4	100
William Polite	4	100
Thomas H. Penn	4	100
Thomas T. Leach	4	100
John Robinson	50	1250
Richard Washbern	2	50
Francis McCown	4	100
Simon H. Thompson	4	100
Benjamin Ball	1	25
W. H. Watkins, Jackson co	4	100
W. R. Jones	10	250
J. H. Patterson	40	1000
Sterling Harwell	4	100
J. N. B. Stewart	20	500
D. B. Greer, Pulaski co	4	100
Taylor Polk, Pike co	8	200
John Green	8	200
Josh T. Hayden	10	250
John Brumley	5	125
Leander Hayden	5	125
James Pope	2	50
John Longacre	10	250
John Lewis	4	100
David Guess	4	100
James Ashford	2	50
William Jerigan, Polk county	4	100
John S. McDaniel	1	25
Francis McDaniel	1	25
Peter B. Allen	2	50
Phillip Jackson	4	100
Wyatt Wood	1	25
Samuel Nichols	4	100
John Coleman	1	25
S. G. Witherspoon	1	25
Levi Witherspoon	1	25
Alex. C. Speers	1	$ 25
Thomas I. Phillips	4	100
Augustus S. Waits	1	25
Abraham McVees	1	25
Mary Eldridge	8	200
Clement Davis	2	50
Benjamin F. Jones, Sevier co	2	50
Ishmael Carver	1	25
James Watson	2	50
James Moss	2	50
William Moss	20	500
Abel B. Clements	2	50
Archibald McDonald	1	25
Napoleon B. Robinson	1	25
Roswell Beebe	300	7500
Int. Improvement Fund, Pulaski county	200	5000
Allen Martin	20	500
Internal Imp. Fund, Montgomery county	200	5000
W. B. Wait, Pulaski county	50	1250
Daniel Ringo	50	1250
J. M. Curran	50	1250
John Collins	50	1250
Richard H. Johnson	50	1250
Internal Imp. Fund, Jackson county	200	5000
James H. Armstroug	8	200
James H. Connor	50	1250
Robert Anthony	50	1250
A. W. Shettlesworth	4	100
William Sanders	4	100
A. W. McKinney	20	500
Thomas M. Ross	4	100
Ezekiel Gordon	4	100
Henry Miller	4	100
T. A. Purssell	10	250
Thomas A. Roddy	4	100
Andre J. Hutt, Pulaski co	50	1250
J. W. Crow, White county	5	125
Margaret Heard	2	50
James Murray, Jackson co	20	500
G. W. Gray	4	100
William H. C. Winfrey	20	500
B. B. Connor	12	300
W. G. Purssell	10	250
Thomas Arnold	4	100
Jesse W. Stokes	4	100
L. G. Wilkerson	8	200
Wilson Miller	10	250
E. M. Owens	16	400
S. M. Beard	4	100
Richard Spaldin	4	100
Isaac Gray	4	100
Thomas S. Ross	4	100
J. T. Bland	10	250
P. P. Hill	4	100
W. A. Purssell	8	200
James Miller	8	200
H. J. Jelks	4	100
William Wilkerson	8	200
Thomas Largan	4	100
Michael Largan	4	100
R. H. Featherston	4	100
Henry S. Barringer	4	100
J. D. Simmons	4	100
W. S. Harshaw	4	100
Margaret Roddy	5	125

Names and residence of Stockholders.	No. shr's	Am't.
James M. Roddy	5	$ 125
Thomas Allison, Prairie co	20	500
George A. Green	4	100
R. M. Gray, Jackson county	4	100
Thomas B. Roddy	7	175
W. C. Gentry & W. Gentry, Clark county	20	500
Isaac Large	4	100
Shackleford & Adams	8	200
J. H. Thomas	5	125
B. S. Duncan	8	200
William Osborne	2	50
Mathew Coulter, Sevier co	30	750
James Turrentine	20	500
Jabez W. Johnson	22	550
John W. Hall, Hempsetad co	10	250
Anson B. Cox	2	50
Phillip B. Graves	1	25
P. K. Bowman	4	100
Harmon Bishop	2	50
R. P. Thomas	4	$ 100
John James	2	50
William I. Kelley	1	25
John Russey, Sevier county	8	200
B. J. Robinson	4	100
I. H. Latimer	4	100
Noah Whiserhunt, Pike co	2	50
D. D. Jones	2	50
M. A. McRae	4	100
M. M. Holt	2	50
James W. Scogins	4	100
John Lawrence	2	50
James M. Evans	4	100
James S. Dollarhide, Sevier co.	8	200
A. T. Pettus	4	100
John L. P. Pool	10	250
Jesse W. Talbot	4	100
W. Caughran	4	100
John S. Burt	10	250
Mary F. Cross	4	100

"A."

Supplemental Report of the Financial Receiver of the Bank of the State of Arkansas.

BANK OF THE STATE OF ARKANSAS,
Little Rock, Dec. 14th, 1854.

To the honorable the General Assembly of the
State of Arkansas:

In my report of the 31st of October last, which was laid before the General Assembly at the commencement of the present session, I stated I would make a supplemental report. I have now the honor to state that the amount of debts collected by my predecessor, since his last report to the General Assembly, of the 1st of October, 1852, and up to the time of his death, amounted to $82,050 12. This sum, if deducted from the amount of debts estimated by him as solvent, would leave of solvent debts uncollected at the time of his death, the aggregate sum of $117,949 88. But it is highly probable that a considerable portion of the above sum so collected by him, was collected from the amount classed by him as "doubtful," one third of which he estimated would be collected. If so, the amount of solvent debts remaining uncollected at the time of his death, would be increased in a proportionate ratio. I know there was a small portion of the amount so collected by him, from debts he deemed insolvent. I do not possess the information which would enable me, with accuracy, to make any further statement on this subject.

Since I have occupied this office I have collected from the debtors to this bank, (mostly since the General Assembly has been in session), the sum of $25,326 79; that is to say, in State bonds and the interest due thereon, $24,683 34, and in specie and its equivalent, $643 45.

I embrace this occasion respectfully to reiterate the recommendation contained in my report of the 31st of October last, as I am now more fully impressed with the belief that the interest of the State would be essentially promoted thereby.

Respectfully submitted,
P. T. CRUTCHFIELD,
Financial Receiver.

"O."

EXECUTIVE OFFICE,
Little Rock, Ark., 2d January, 1855.

To the Speaker of the House of Representatives of the General Assembly of the State of Arkansas:

In accordance with the request made by a resolution of the House of Representatives, adopted on the 9th day of November, 1854, the Governor addressed a letter to the commissioner of the general land office, of which letter the following is a copy; to wit:

EXECUTIVE DEPARTMENT,
Little Rock, Ark., 10th Nov., 1854.

SIR: The General Assembly of the State is now in session, and the House of Representatives, on yesterday, adopted a resolution, to which your attention and consideration are respectfully invited, and of which resolution the following is a copy, to wit:

"WHEREAS, Much inconvenience, trouble and expense are incurred by many citizens of this State, in visiting the seat of government to secure lands, under the late act of Congress, graduating the price of public lands, in consequence of there being no official information in the Register's office, as to the time the public lands in the different townships in this State were offered for sale, not being able to perfect their entries for want of such information, and being under the necessity of submitting to onerons charges, by private agents, to secure said lands, or to be compelled to return to the land office in person, at a future day, at much expense and trouble. Therefore,

"*Resolved*, That his Excellency, the Governor, be requested to communicate the facts to the Commissioner of the General Land office, at Washington city, in order that this evil may be speedily remedied."

I would be much gratified if you would cause to be furnished to the Registers of the several land offices in this State, as early as you can, official information, showing when the lands in each township, in their respective districts, were offered for sale by the United States.

You will readily comprehend the utility and necessity of such information; and from your past acts, I have evidence that you are ever ready to extend to the State of Arkansas and her citizens, whatever may be legitimate and proper for the advancement of the interests of the State, or the convenience of the people, when dependent upon the action of the Commissioner at the General Land office. I therefore have confidence that you will readily comply with the request made, and hope to be officially informed of that fact at an early day, so that I may communicate your response to the House of Representatives.

Most respectfully,
your obed't serv't,
ELIAS N. CONWAY.

Hon. John Wilson, *Commissioner of the General Land office, Washington city, D. C.*

To which letter I have received a letter in reply, and of which the following is a copy, to wit:

General Land Office,
December 7th, 1854.

Sir: I have the honor to acknowledge the receipt, on this day, of your letter of the 10th ultimo, communicating to me the resolution of the House of Representatives of your State, on the subject of the "inconvenience, trouble and expense" incurred by your citizens "in consequence of the want of official information, at the Little Rock land office, as to the time the public lands, in the different townships, have been in market," and requesting you to communicate "the facts to me, in order that this evil may be speedily remedied."

In reply thereto, I have to state that it was the opinion of this office (until otherwise advised by the officers at various places) that, as the proclamation of lands were sent to the land officers, and the lands so proclaimed sold by the latter, full information existed on their files and records, as to the period of the offering of the land in their districts. Such information was in the first instance in their possession, and the preservation thereof, or more properly the record thereof, either on the plat or at the head of each township on their tract books, was essential to their daily correct action on applications, because without a knowledge whether the land was offered or not, it was impossible to determine whether it was subject to private entry or not; or whether, when claimed by pre-emption, the claimant was bound to prove up, within twelve months after settlement, or had until the public sale of the land was directed by proclamation of the President.

Since the necessity was apparent, of furnishing every land office with this information, I have availed myself of every facility in my power to have the work not only speedily but satisfactorily performed; not however for a moment supposing that any office was so deficient in information as to put an end to all action of the land officers on the subject, deeming it more proper that their operations should progress, even with a liability of error as to price, (subject to subsequent correction), than that all the difficulties of delay and accumulation of business should be encountered.

The fourth paragraph of the circular of 30th October last, referred to this latter point, it being supposed that the dates of prior sales at private entry, the dates of the receipt of the plat, or of the survey itself, might, in connection with other data at the local land office, suffice to arrive at an approximation, where certainty (from the previous neglect to preserve the files or make up the records) was unattainable, until this office could furnish the required information.

The lists for the land offices in your State have been in part prepared. They require comparison with and correction by the records of the proclamations and reports of the public sales from the land offices. They are progressing as fast as possible, and no exertion will be spared which it is practicable to make to accomplish an end as desirable to me, personally and officially, as it appears to be to the citizens and public men of your State. That for Little Rock district will be specially dispatched, and may be expected in a few days.

With much respect,
your obd't serv't
JOHN WILSON, *Commissioner*.

Hon. ELIAS N. CONWAY, *Governor of Arkansas*.

From this letter of the commissioner, it will be seen that he will not only furnish the land office at Little Rock, in accordance with the resolution of the House of Representatives, with the information called for, for the use of that office, but will, as requested in my letter, transmit to all of the other United States land offices in this State similar information, with regard to lands in the respective districts. His letter is therefore entirely satisfactory to me, and will doubtless be so to the House of Representatives, and to our citizens interested.

ELIAS N. CONWAY.

"R."

To the President of the Senate and Speaker of the
House of Representatives:

The joint committee, appointed by virtue of a joint resolution of this General Assembly, to investigate the conduct and management of the swamp land commissioners, engineers, and every thing pertaining to the swamp land interest for the past four years, would respectfully beg leave to report: That in compliance of said resolution, notice was directed to W. C. Butts, Secretary of the Board of Swamp Land, and his clerk, Robert Maloney, John McSheehy and Davis Thompson, chief engineers, Luke Pryor, first commissioner, and others; and that they have had before them W. E. Butts, who has been the secretary of the board since the organization, together with the books, papers, records, and all reports, and files made and belonging to the office, together with the witnesses above named; which witnesses, having been examined upon oath, in relation to their official services and duties, and the proceeding of the swamp land commissioners, have also viewed the operations of the board, examining and comparing the records, entries, files and reports of the office, and to our satisfaction, and find them to be correct, which investigation authorizes us to state, that whatever mismanagement or fraud may have been committed or connected with the swamp land interest, it is, as far as we can judge, outside of the office of the board.

From the investigation and examination of the records of said board, we found an order suspending, in April last, the official acts of John McSheehy and the appointment of Davis Thompson, for the reason that McSheehy did not comply with the instructions of the board, which were—that he should make out and file in the office of the board a diagram or profile of all levee work, by him reported to the office. We found also from the records that time was given him, by the commissioners, to comply with the requisitions of the board, and that he has wholly failed. It is the opinion of your committee, from the investigation made, that much fraud and peculation has been committed upon the swamp land interest. Reports of levees, with the estimates made, have proved incorrect; the testimony of witnesses show conclusively that false reports have been made to the board. One piece of levee work, done upon the Arkansas river, was certified by McSheehy to be constructed according to law and the ordinance of the board, with measurement and value amounting to $4,069. This piece of work, upon re-measurement, is shown to be of the value of $1,414 only. We find other reports, made by him, of some work done on the Mississippi river, which, from the evidence of Davis Thompson and other corroberating testimony, shows conclusively error in calculation, else false measurement.

From the evidence adduced, much levee work received and reported, has proved worthless; and in order fully to ferret out the fraud, and by whom committed, your committee would recommend that the swamp land commissioner or commissioners shall be required to have all the levee work done, re-measured, under his or their supervision, by a competent engineer, and compare such re-measurement with the reports and estimates in the office, and examine witnesses, if necessary, and make a full and correct report of his or their discovery, and what fraud, if any, be committed, and by whom, to the Governor of the State, whose duty it should be to make public exposition of the same, and remove from office all concerned therein.

Your committee are of opinion, from the discovery made, that said swamp land interest has been neglected, and that the commissioners did not attend and exercise that supervision over the work—as your committee believe from the evidence and showing to us made—they should have done; and your committee would recommend to the General Assembly, if the present swamp land system be continued, that the most able, efficient, practical and energetic men in the State, in whom indubitable reliance can be placed, be elected; who will, regardless of favoritism or the consequences, discover and report the fraud, and guard the interest of the State. Your committee are of opinion the swamp land engineer should give bond for the faithful performance of his duty.

Your committee are of opinion it would be impracticable to change the present swamp land system to any great degree at present. The swamp land offices are a great convenience, and conveniently and equally located; and, if properly conducted, beneficial and necessary. They have been established, and furnished with maps, books and plats, at a great expense, and at present should not be abolished.

From the investigation, there are gaps upon the Mississippi and Arkansas rivers that should be closed as soon as possible. Statement A herewith presents the operations of the board, on all claims against the swamp land fund; it shows also, all allowances of the board, and how paid, or certified up to the Auditor for payment, as follows:

STATEMENT A.

Statement showing the total amount allowances made by the Board of Swamp Land Commissioners, up to the 1st October, 1854.

Dr.

Amount allowed by old board,	$764,717 58	
" salary of officers,	14,957 83	
" allowance by new board,	845,172 50	
		$1,624,847 91

Cr.

Amount paid in land,	$309,524 63	
" scrip issued by old board,	370,760 00	
" balances of old ac'ts certifi'd,	99,390 78	
" certified by new board,	845,172,50	
		$1,624,847 91
Amount issued upon warrants of Auditor, without any allowance by the board,		$29,133 99

Statement B shows the amount of scrip issued and authorized to be issued, in certificates to the Auditor, and the amount of swamp land scrip redeemed, and the amount outstanding, as follows:

STATEMENT B.

Statement showing the amount scrip issued by the Board of Swamp Land Commissioners, and the amounts certified to Auditor for issuance of scrip, and amount of Auditor's warrants without allowance, and amount of scrip redeemed.

Amount of scrip issued by the old board,		$370,760 00
" balances of accounts certified to Auditor,		99,390 78
" allowed and certified by new board,		845,172 50
" issued on Auditor's warrants, without allowance,		29,133 99
Total amount to 1st October, 1854,		$1,344,457 27
Amount scrip paid in for land,	$241,000 00	
" paid in Treasurer's office, per report,	420,350 93	
Amount paid by D. W. Carrol, January settlement, 1855,	63,450 07	
		$724,801 00
Balance of scrip outstanding,		$619,656 27

Your committee doth herewith exhibit the accounts with us filed by the witnesses and officer, which we believe to be correct, and hath so certified, the aggregate of which amounts to the sum of $399 60, which your committee recommend an appropriation to liquidate, which is of bill herewith submitted.

Herewith, also, is presented the subpœnas for witnesses, books, papers, etc., with the return of the officer thereon, all of which is respectfully submitted; and your committee believing they have fully discharged their duties, considering the time allowed them, beg to be discharged from the further consideration of the matter.

Respectfully,
G. W. LEMOYNE,
W. E. POWELL,
Chairmen of the Committee of
Swamp Land Investigation.

State of Arkansas to Isham W. Wyatt:

Being appointed and deputed by the committee raised by virtue of a joint resolution of the General Assembly, now in session, (a copy of which is herewith annexed), you are hereby commanded to summon Wm. E. Butts, Secretary of the Board of Swamp Land Commissioners of the State, at Helena, Arkansas, to be and appear forthwith or as soon as possible, before the committee raised by virtue of said resolution, at their committee room at the capitol of this State, bringing with him all the books, papers, reports of engineers, all scrip redeemed and on file, together with all papers, maps and every thing pertaining to the swamp land interest of this State, in his possession or under his control.

By order of the committee.

December 14*th*, 1854.

G. W. LEMOYNE,
Chairman of Senate Committee.
WM. E. POWELL,
Chairman of House Committee.

Attest:
W. M. Harrison, *Clerk.*

Make due return hereof.

G. W. LEMOYNE,
W. E. POWELL.

The State of Arkansas to Isham W. Wyatt:

You are hereby commanded to summon Henry L. Biscoe, John Horner and Davis Thompson, to appear before us forthwith, at our committee room at the capitol, at Little Rock, and make due return hereof.

December 14th, 1854.

G. W. LEMOYNE,
Chairman of Senate Committee.
WM. E. POWELL,
Chairman of House Committee.

Resolved by the General Assembly of the State of Arkansas, That a joint committee of three of the House and three of the Senate be raised, whose duty it shall be to inquire into all the facts in relation to the manner in which the laws, for the reclamation of swamp and overflowed lands in this State, have been administered during the last three years; especially whether the commissioners have entered into any contract with Mr. Thomas Peters, or any one else, for the reclamation of all the said lands in the said State; and if so, to report to this General Assembly as soon as practicable, all the facts in relation to such contract, and the administration of said laws; and that said committee sit at their pleasure, and have full power to send for persons and papers, and receive written or oral evidence, under oath.

A true copy from the original.

SAMUEL MITCHELL,
Spaker of House of Reps.
B. C. HARLEY,
President of the Senate.

I executed the within summons, by reading the same to the within named Davis Thomson and Henry L. Biscoe, in the town of Helena, county of Phillips, and State of Arkansas, on the 20th day of December, 1854. I served the within summons on the within named Wm. E. Butts, by leaving a copy of the same, together with the resolution of the General Assembly, with the said Wm. E. Butt's wife, in the town of Helena, county of Phillips, and State of Arkansas, on the 20th day of December, A. D. 1854.

John Horner not found.

ISHAM W. WYATT.

December 20th, 1854.

The State of Arkansas

To DAVIS THOMPSON, *Dr.*

To 15 days attendance as witness before joint committee to investigate the swamp land office,	$45 00
To 240 miles circular milage,	36 00
	$81 00

Sworn to and subscribed before me this 10th day of January, 1855.

DAVIS THOMPSON.

We certify that the above account is correct and sworn to.

G. W. LEMOYNE,
WM. E. POWELL,
Chairmen of Committee of Investigation,

The State of Arkansas

To E. L. Pryor, *Dr.*

To 15 days attendance as witness before joint committee to investigate the swamp land office,	$45 00
To 240 circular miles travel,	36 00
	$81 00

Sworn to and subscribed before me this 10th day of January, 1855.

E. L. PRYOR.

We hereby certify that the above account is correct.

G. W. LEMOYNE,
WM. E. POWELL,
Chairmen of Committee of Investigation.

The State of Arkansas

To Wm. E. Butts, *Dr.*

To 15 days attendance as witness before joint committee to investigate the swamp land office,	$45 00
To 240 miles travel,	36 00
To expense of bringing books and papers,	6 00
	$87 00

Sworn to and subscribed before me this 10th day of January, 1855.

W. E. BUTTS.

We certify the above account to be correct.

G. W. LEMOYNE,
W. E. POWELL,
Chairmen of Committee of Investigation.

The State of Arkansas

To Robert Maloney, *Dr.*

To 14 days attendance as witness before joint committee to investigate the swamp land office,	$42 00
To 240 circular miles travel,	36 00
	$78 00

Sworn to and subscribed before me this 10th day of January, 1855.

R. MALONEY.

We certify the above account to be correct.

G. W. LEMOYNE,
W. E. POWELL,
Chairmen of Committee of Investigation.

The State of Arkansas

To ISHAM W. WYATT, *Dr.*

December 14th, 1854. *Special Sergeant at Arms.*

To six days service traveling to Helena, Ark., to serve summons on the witnesses subpenaed, as per return of said I. W. Wyatt,	$18 00
To six days travel returning from Helena to Little Rock,	18 00
To 240 miles circular travel,	36 00
	$72 00

We crtify the above account to be correct, from the return the officer has made, January 10th, 1855.

G. W. LEMOYNE,
WM. E. POWELL,
Chairmen of Committee of Investigation.